

**Escambia County Charter Commission  
Minutes of July 10, 2003 Meeting  
Perdido Bay United Methodist Church  
(7 p.m. – 9:15 p.m.)  
(Twentieth Meeting)**

Members

Present: M. J. Menge, Chair  
Charles F. Beall, Jr.  
Johnny W. Blackmon  
Denis McKinnon, Jr.  
Frank Montenes  
E. P. “Ted” Nickinson, Jr.  
Lucy Rentz  
Garrett W. Walton

Members

Absent: Rita A. Riffel, Vice Chairman (schedule conflict)  
LeRoy Boyd (schedule conflict)  
Barbara Forehand “Bobbie” Brown (schedule conflict)  
Laurel Dick (schedule conflict)  
Elbert Jones, Jr. (schedule conflict)  
Phyllis D. Sims (schedule conflict)  
Lamar Smith (schedule conflict)

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1. Call to order - Chairman Menge at 7:04p.m.
2. Approval of the Agenda.

**Motioned by Ms. Rentz and seconded by Mr. Montenes to approve the agenda with revisions to 9 and 10. Motion carried 6 – 0 with Mr. Beall and Mr. Blackmon arriving late, Ms. Riffel, Mr. Boyd, Ms. Brown, Mr. Dick, Mr. Jones, Ms. Sims, and Mr. Smith absent.**

3. Statement regarding public input meetings.

Mr. Menge made a brief statement regarding the work of the Charter Commission since its initial meeting on November 14, 2002.

Copies of the Public Input Meetings pamphlet were provided to the members of the public attending the meeting.

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4. Open public forum on provisions that the public desires to have included in the charter.

One person addressed the Charter Commission:

1) Steve Tuley – He stated that this was the first time he had heard of the Commission’s work and he watches TV and reads the newspapers and still does not know what this commission has been doing. Believes that a proposal will have to be drawn up and brought around the county for people to look at before the public will participate. He invited the commission to come back to his church for further meetings. Believes it is the election process that deters some people from office.

5. Approval of the minutes of the June 19, 2003 meeting.

**Motioned by Mr. McKinnon and seconded by Ms. Rentz. to approve the minutes of the June 19, 2003 meeting. Motion carried 7 – 0 with Mr. Blackmon arriving late and Ms. Riffel, Mr. Boyd, Ms. Brown, Mr. Dick, Mr. Jones, Ms. Sims, and Mr. Smith absent.**

6. Communications

- 1) Memo from a member of the public titled “Recommendations for Charter.”

7. General discussion of county governmental structure or procedures that need to be restructured, reorganized or improved.

Mr. Menge requested that each member of the Commission take turns elaborating on areas that they believe need to be addressed in the charter.

Mr. McKinnon believes that the structure of the County Commission is adequate, likes the idea of at-large members, enlarge the board to ten members, decrease the support staff, decrease the salaries, believes in term limits (eight years at a minimum). There are problems with Civil Service, feels like they are addressing the problems, wants to see the county’s new plan, and is concerned with the county taking over. Leave the Constitutional Officers as is, believes that they need autonomy, this helps with checks and balances by allowing them to appeal their budgets outside of the County Commissioners.

Mr. Menge reminded the Commission that the Legal Advisory Team was of the opinion that the charter could not put term limits on either the County Commissioners or the Constitutional Officers.

Mr. Montenes handed out a memo that outlined what he believes should

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appear in the charter. He would like a summary of a baseline from the legal advisory team so the charter members know what they can do legally. He favors the Elected Chair – County Manager form and structure of government where the County Executive does not vote, but has veto powers, believes that it is inappropriate for the Charter Commission to classify the County Commissioner position as a part time job, keep some dignity for the office by leaving the support staff available to the Commissioners. Need checks and balances. Stay with five single districts. Constitutional Officers need to remain pretty much as they are, some provisions could be put in the charter that allows for a degree of standardization followed by the Sheriff's Department in budget recommendation. Clerk of the Court performs a meaningful, useful function. Put provisions in the charter that defines specific functions of what the financial department within the County Administrator's office and the Clerk of the Court are to provide regarding budgeting, finance, accounting and auditing for the county. Coordination between the Constitutional Officers, the County offices, and within the County itself is a big problem. The Civil Service Board is highly political and the discussion has been found to be somewhat confusing. The Charter document needs a citizen's bill of rights. Concerned about the budget and its numerous revisions.

Mr. Blackmon believes that the people of Escambia County are very concerned about being more heavily taxed under charter government. Civil Service is a concern in how the Constitutional Officers can opt in and out in order to protect their friends if defeated in an election. Agrees with the need for a citizen's bill of rights. Feels as if the BCC should go to at least ten and reduce the salaries to \$30,000 and keep one secretary to two Commissioners.

Mr. Nickinson provided a handout to all members on areas of concern, present weaknesses, and suggested solutions. Civil Service Board does not have the support of the County or Constitutional Officers. The County does not appear ready to undertake the administration of the civil service system. Keep present district alignment but consider ten members for the BCC and keep the costs in line by reducing salaries and support costs. It does not look like at-large members will happen in Escambia County. Concerned about unmet financial needs in the county, suggested that the BCC and Constitutional Officers submit separate budgets to the voters for approval in separate packages to establish optional millage. The voters would know which officer was asking for which increases in their particular budgets. Draft a charter that is voter friendly. Charter must provide for amendments. Our millage rates are one of the highest in the state, but we are considered one of the poorer counties. Let the charter set a cap on tax increases.

Ms. Rentz agrees that the BCC should be increased to ten representatives, non-partisan, part-time, and a reduction in salaries. The Constitutional Officer's

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positions are to be left intact, but some of the services and functions could be streamlined for some savings.

Mr. Beall believes that the charter needs to be a minimalist document. He believes that the charter should be brief and not dictate things that should be in ordinances. The BCC should go to ten members with staggered four year terms within the districts themselves and have an elected chair. Reduce salaries to half of what they are now; Commissioners should not be legislated to be part time. Charter should not dictate regarding the support staff. County Administrator should be appointed and continued to be handled as it is currently. He does not believe that charter should do anything about the Civil Service; it is way beyond this Commission's competency to write a civil service plan. A committee should be appointed to look at Civil Service, because there is no time to solve the problems. Keep the Constitutional Officers as is from an electability standpoint and do not make any changes regarding their duties and functions with the exception of the Clerk of the Court. Why is the Clerk of the Court the county's financial unit? What happens when the current person (Ernie Magaha) retires? A professional staff needs to be retained and hired by the county to run the finances and allow the Clerk of the Court to administer the court system and the public records of the county.

Mr. Walton agrees that there are structural problems and we need good people in office. The current structure discriminates against people who work full time from running for the BCC. Eighty percent of the City Council works. Sixty percent of the population is not eligible to be a County Commissioner because they will not quit a job to run for office. Do not believe that people of Escambia County want a global thinker; this is an impediment to re-election. At-large representatives are not always the answer. Elect a County Commissioner and put in a recall provision. We have had very limited public input, this Commission has no idea what the public has in mind.

Mr. Menge desires to see the BCC go to ten members, two from each single district. Salaries need to be reduced and provide adequate support staff, but not separate offices and assistants for each County Commissioner. Late night add-ons to the agenda should be allowed only if there is an emergency. Present Civil Service system is dysfunctional. The funds received by the Civil Service Board are probably inadequate and the cost to those remaining under the Civil Service Board is excessive. Approximately 75-80% of the county's budget deals with personnel and it is a key issue that needs addressing. Met with Rod Powell, Keith Wells, and Kay House today and discussed the procedure to be followed at the July 22 meeting. At the July 22<sup>nd</sup> meeting, we will focus primarily on Personnel and the Civil Service Board. Ideally, prior to that meeting the Civil Service Board, the Constitutional Officers, and the County will get together and agree on what ought to be done and present the solution to the Charter Commission. However, as a practical matter, Mr. Menge does not expect that

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will happen. The Civil Service Board, the County, the Constitutional Officers and the ECUA have been asked to focus on two broad issues at the July 22 meeting: 1) the merits and contrary arguments for having a unified system that would include the county, ECUA, and the Constitutional Officer employees and address such things such as: establishing promotional rules, preparing and maintaining employee rosters, establishing pay plans, employee evaluations and management, preparing and administering examinations, disciplinary actions and appeals to these actions. It appears that there is an opportunity for substantial savings to be had in that regard. 2) the merits and contrary arguments for having the civil service system administered by a separate board appointed by the governor or having the system administered by the Department of Human Resources under the County Administrator with an appeals board consisting of representatives from the Appointing Authorities and from the employees covered by the system.

Procedures for the July 22 meeting: allow representatives from the Civil Service Board to present their arguments, hear from the county, and if the ECUA and Constitutional Officers want to be heard they would also be heard and then the commission would go round robin back through and let each one of them address the arguments that have been made by the other parties. Mr. Menge gave them some ideas of what the majority of the Charter Commission would be interested in: 1) impact of the system on existing employees regarding moral and perception of fairness 2) attractiveness of governmental positions to applicants of the general public 3) recruitment of the best possible applicant for the position 4) the efficient and timely filling of positions 5) effective personnel management 6) fair disposition of grievances 7) prohibition of political selection of employees or political establishment of positions and 8) cost to the taxpayers.

Mr. Menge believes that there is substantial tax payer savings if the county and Constitutional Officers consolidated some services. Having the Clerk of the Court handle the minutes of the BCC and the finances are contrary to standard organizational structure. Ron Jackson and Mike Adkins (accountants) have been meeting with the clerk's office to see if their perceptions can be narrowed. Also, Mr. Menge questioned why accounting and audit functions are handled by the same office.

Constitutional Officers should be elected and subjected to recall. The body that has the responsibility for setting and levying the taxes should have the final authority to budget the taxes that are collected. There should be separation between the legislative and administrative functions of local government and the permanency of the County Administrator should be established by charter. County Manager form of government is best for Escambia County and a non-interference clause is necessary.

8. General discussion of charter provisions that could address the identified needs for restructuring, reorganizing or improving county government.

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Mr. Blackmon would like to have the Constitutional Officers forced back into Civil Service. This would be a cost savings.

Mr. McKinnon agrees with Mr. Walton that it does come down to the people in government offices that make a difference. We have to try to assure some checks and balances.

Mr. Montenes believes that there needs to be a good set of qualifications for a County Commissioner. He has lived here for nine years and it appears that the growth has gone nowhere compared to other counties near us. The current county government does not allow for accessibility to the ordinary citizen. Sees no good reason for the BCC to go to ten members. In regards to civil service, the County says that its plan will be financially beneficial, yet we have not received one piece of paper that shows the analysis of how the County comes up with the determination that we are going to save money. Non-interference clause needs to have a reciprocal part for the County Administrator. Curious as to why all of Santa Rosa County Commissioners are certified but ours are not. Charter needs a specific set of qualifications for County Administrator.

Mr. Nickinson has reviewed other charters and they include a set timeframe within which to come up with answers to some of these questions. Seminole County charter said to the county that it would produce an administrative code within a certain amount of time. Maybe give civil service some guidelines and what you want included in it.

Ms. Rentz asked about the possibility of breaking out into committees to deal with the document in parts. This will probably be necessary in the future.

Mr. Beall is concerned with civil service because a substantial portion of the county will vote no because they are anti-charter and then a substantial portion of pro-charter people will vote no because they do not like the civil service provisions.

Mr. Walton wants to open up the BCC and make it easier for people to serve. He wants to learn more about the single member districts and at-large members and wants the issue of public input as a topic for the next meeting.

Mr. Menge favors increasing the numbers of the BCC. It has to be ten to keep the minority representation of 20%. Civil Service is a thorny issue and it has to be dealt with. Rod Powell has not been allocated the staff to handle the issues. One idea is to have a one year transition period to grant the county time to develop a civil service system.

The current County Administrator spends a lot of face time with each commissioner and if there were ten Commissioners, he would find this more difficult and would have to address those issues in public.

Mr. Blackmon questioned Dr. Teasley about his civil service study and Dr. Teasley confirmed that the civil service board in Hillsborough County was appointed by the governor and the county is under charter government. Escambia

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and Hillsborough Counties are the only two counties in Florida where the civil service board is appointed by the governor.

Mr. Montenes wanted to share with the other members what he learned at the June 10 civil service meeting. Three things were agreed upon: 1) have to have factual data of why it is good for the employees, 2) factual data as to why it is good for the county and 3) factual data as to why it is good for the taxpayers.

#### 9. Unfinished Business

The next two meetings are as follows:

- 1) July 22, 5:30 p.m. at Pensacola Junior College, Baroco Center, Rm #2142
- 2) August 5, 7 p.m. at Greater Union Baptist Church

Mr. Menge will have the recommendations for the viewpoint article to be submitted to the Pensacola News Journal and the Florida Independent Sun by the next meeting, which will hopefully publicize the input we have reviewed from the public.

Mr. Montenes proposed to cancel the July 31, Aug. 14, and Aug. 21 meetings. This would allow time for research by the charter commission members. There were no objections to this idea. Next meeting after the August 5<sup>th</sup> town hall meeting will be Aug. 28. The meetings will begin at 5:30 and we will hold as many meetings as we can at the BCC and utilize PJC as an alternative.

#### 10. Items added to the agenda.

Mr. Montenes addressed the topic of adoption of By-Laws and referred to the Charter of Columbia County. Mr. Menge agreed to have staff draft some proposed By-Laws based on the Columbia County By-Laws and present them to the Commission for action. Mr. Montenes emphasized that the charter document has to have voter appeal. There was discussion of producing a draft document now and submitting it for public input. Mr. Menge pointed out that this did not work well in 1995; people were confused by the draft since the draft was considerably different from the final document.

#### 11. Announcement of the next meeting

**The next meeting will be Tuesday, July 22, 2003 at 5:30 p.m. at the Pensacola Junior College main campus, Baroco Center, Rm # 2142.**

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12. Adjournment

Meeting adjourned at 9:15 p.m.

**Action Items:**

- 1) **Whitman Center to mail out copies of a Whitman Center study titled, “Review Of The Escambia and The Hillsborough Civil Service Boards with the Escambia County Human Resources Proposed Merit System Protection Board.”**
- 2) **Whitman Center to mail out copies of a Whitman Center study titled, “Selected Escambia County/City of Pensacola Public Official Pay Scales.”**
- 3) **Whitman Center to mail out copies of the 2002 Florida Statutes, Ch. 145 Compensation of County Officials.**
- 4) **The Whitman Center to type out the bylaws with changes and have ready for the commission at the next meeting.**

**APPROVED BY:**

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**THE CHARTER COMMISSION**

**PREPARED BY:**

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