

Official

**Escambia County Charter Commission
Minutes of the September 4, 2003 meeting
Pensacola Campus of Pensacola Junior College
Baroco Center – Room 2142
(Twenty-Fourth 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
Phyllis D. Sims
Lamar Smith
Garrett W. Walton

Members

Absent: LeRoy Boyd (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 Mr. Jones to approve the agenda. The motion carried 10 – 0 with Mr. Beall, Ms. Brown, Mr. Dick, and Ms. Sims arriving late.

3. Approval of the minutes of the August 28, 2003 meeting.

Motion made by Mr. Montenes to approve the minutes with the understanding of the Commission that he disagrees with David Tucker’s comments on page 5. According to Mr. Montenes, Mr. Tucker’s comments are in direct conflict with comments made by Janet Lander, Attorney for Escambia County, to Mr. Montenes in a follow up phone call made by Mr. Montenes to Ms. Lander after the August 28, 2003 meeting.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The Charter Commission will request that Ms. Lander either appear before the Commission or submit her comments about districting in writing to the Commission for review. The motion was seconded by Mr. Nickinson and passed 14 – 0.

4. Discussion of proposed By – Laws for the Charter Commission.

Motion made by Mr. Nickinson to adopt the By-Laws and seconded by Ms. Rentz. Motion carried 13 – 1 with Mr. Smith voting against.

5. Communications

- 1) Notice of SRIA visioning process
- 2) August 5, 2003 official minutes
- 3) August 28, 2003 unofficial minutes
- 4) Memo from Frank Montenes “Checklist for discussions on Issues to be Determined Pertaining to Charter Government”
- 5) Letter from Kent Marple
- 6) Letter from Ms. Davis
- 7) Letter from Mr. Long
- 8) Job description of a Commissioner’s aide
- 9) Escambia County/City of Pensacola Official’s Annual Income
- 10) Taxes in Florida Medium-sized Charter and Non-charter Counties
- 11) August 6, 2003 memo from Frank Montenes titled “Suggested items to be added to the Escambia County Charter Commission Issues to be Determined.”
- 12) August 14, 2003 memo from Frank Montenes titled “Additional Items to be considered to be added to the Issues to be resolved list.”
- 13) Letter dated August 28, 2003 from Ernie Lee Magaha.
- 14) Updated report from accountants Mike Adkins and Ron Jackson.

Dr. Teasley summarized the findings of the Whitman Center’s report of “Taxes in Florida Medium – sized Charter and Non – charter Counties.” The years covered in the study were 1993 – 2002. The Whitman Center found that there was very little difference in charter and non-charter counties in total taxes collected over the course of the past decade with the exception of the years 1999 and 2000.

The study did not find that the counties exhibited a pattern of raising the tax burden on their particular property owners and residents after the adoption of charter government.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

The comment was made that the citizens of Escambia County are concerned that a charter would open up new avenues to taxation. Non – charter counties make more use of the penny sales tax while charter counties make more use of user fees and other sources that are called fees instead of taxes. Again, the study done by the Whitman Center did not reflect that those counties which had adopted charters increased taxes; in fact, as a general rule, after the adoption of a charter taxes decreased slightly.

Mr. Montenes reviewed his memo that he designed as a worksheet for this meeting and for future meetings hoping that it would prove to be a useful tool to the other Commission members. The schedule that the Commission has between now and December is a massive one and he wished to address some of the issues that he felt were on the mind of some of the citizens.

6. Approval of the proposed meeting schedule

Motion made by Mr. Montenes and seconded by Mr. Walton to approve the proposed meeting schedule through October 30, 2003. The motion carried 14 – 0.

Mr. Montenes requested that the Commission go over the procedures for meetings and the sub-committees for a further understanding on his behalf on how the Commission will be proceeding from now on. Mr. Menge read the memo that was adopted at the August 5, 2003 meeting by the Commission that reviews how the meetings will run during the period that the charter is being drafted.

7. Review of and adoption of the revised list of “Issues to be Determined”

Motion made to adopt the “Issues to be Determined” by Mr. Beall and seconded by Mr. Walton. The motion carried 14 – 0.

8. Discussion of Issues

The Commission then commenced its discussion of the issues.

The first item for discussion is on page two item one 1) Do we desire a BCC that believes its first priority should be to act in conjunction with the County Administrator to address the personal administrative concerns of its constituents? or 2) Do we desire a BCC that views itself as the legislative branch of Government charged primarily with the responsibility of setting policies for the county?

Charles Beall – believes that the primary role of the BCC is policy making
Johnny Blackmon – policy making board

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Bobbie Brown – policy making board
Laurel Dick – County Commissioners need to be available to their constituents for assistance.
Elbert Jones – policy making board
Denis McKinnon – policy making board
M.J. Menge – policy making board
Frank Montenes – prefers to follow what is outlined in Ch. 125 and believes the BCC has administrative and policy making duties
Ted Nickinson, Jr. – No to question #1 and Yes to question #2
Lucy Rentz – policy making board
Rita Riffel – believes there are times when a constituent needs the assistance of his Commissioner to ensure that an administrative department will listen to that constituent
Phyllis Sims – policy making board
Lamar Smith – opposed without serious checks and balances set, they are doomed for failure over the long run
Garrett Walton – policy making board with close oversight of the County Administrator

The chair then entertained a motion that the primary role of the BCC should be a legislative, policy setting board. Motion was made by Mr. Beall and seconded by Mr. Jones. Motion carried 13 – 1 with Mr. Smith voting against. Mr. Montenes wanted to clarify that he voted for the motion solely on the point of the second question.

The second item for discussion is on page 3 and is that of determining the governmental structure of Escambia County.

Charles Beall – County Manager, really depends upon the type of BCC that is chosen
Johnny Blackmon – County Manager
Bobbie Brown – County Manager
Laurel Dick – County Manager
Elbert Jones – County Manager
Denis McKinnon – County Manager
M.J. Menge – County Manager
Frank Montenes – County Chair
Ted Nickinson, Jr. – County Manager
Lucy Rentz – County Manager
Rita Riffel – County Manager
Phyllis Sims – County Manager
Lamar Smith – County Manager

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Garrett Walton – County Manager

Motion made that the Charter Commission approve the County Manager form of governmental structure for Escambia County by Mr. Jones and seconded by Ms. Brown. Motion carried 13 – 1 with Mr. Montenes voting against.

The third item for discussion is on page three and covers how many County Commissioners should be elected to the BCC.

Charles Beall – ten, it is less likely that one or two people can dominate with an increase in numbers

Johnny Blackmon – ten

Bobbie Brown – five, all at-large or stay the same

Laurel Dick – five

Elbert Jones – ten and would like districts split as recommended by Ms. Jones

Denis McKinnon – ten

M.J. Menge – ten

Frank Montenes – remain the same, does not believe that the County can go to ten the way everyone else believes that it can be done

Ted Nickinson, Jr. – ten

Lucy Rentz – ten

Rita Riffel – ten

Phyllis Sims – ten with split districts

Lamar Smith – ten

Garrett Walton – ten

Motion made by Mr. Beall and seconded by Mr. Blackmon that the Charter Commission support the expansion of the BCC to ten Commissioners. Motion passed by 11 – 3 with Ms. Brown, Mr. Dick, and Mr. Montenes voting against.

Motion made by Mr. Beall and seconded by Mr. Walton to add the issue of whether the Commission favored five districts with the district lines as presently drawn with two representatives being elected from each of the five districts or ten separate districts with each of the present five districts being divided into two districts to the list of issues to be discussed. The motion to add this issue to the issues to be discussed passed unanimously.

Charles Beall – ten reps from ten districts

Johnny Blackmon – ten reps from five districts

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Bobbie Brown – five reps from five districts
Laurel Dick – ten reps from five districts
Elbert Jones – ten reps from five districts
Denis McKinnon – ten reps from five districts
M.J. Menge – ten from five districts
Frank Montenes – ten from ten districts
Ted Nickinson, Jr. – ten reps from five districts, concerned with
confusing the voters and telling them they live in
one district for the school system and another district
for their County Commissioner.
Lucy Rentz – ten reps from five districts
Rita Riffel – ten reps from five districts
Phyllis Sims – ten reps from ten districts
Lamar Smith – ten reps from ten districts
Garrett Walton – ten reps from five districts

Motion was made by Mr. Dick and seconded by Mr. McKinnon that the Charter Commission support the election of ten Commissioners from five districts on a staggered term basis. The motion passed 9 -5 with Mr. Blackmon, Mr. Dick, Mr. Jones, Mr. McKinnon, Mr. Menge, Mr. Nickinson, Ms. Rentz, Ms. Riffel, and Mr. Walton voting in favor of the motion and Mr. Beall, Ms. Brown, Mr. Montenes, Ms. Sims, and Mr. Smith opposed to the motion.

The fourth item for discussion is on page three, #2 – Should the BCC be elected on a partisan or non-partisan election basis?

Charles Beall – non-partisan, sees no need for partisan elections at the
local level
Johnny Blackmon – non-partisan
Bobbie Brown – partisan
Laurel Dick – partisan
Elbert Jones – non-partisan
Denis McKinnon – partisan
M.J. Menge – non-partisan
Frank Montenes – partisan
Ted Nickinson, Jr. – partisan, thinks the voters ought to decide
Lucy Rentz – non-partisan
Rita Riffel – partisan, believes it brings more choice to the table
Phyllis Sims – partisan
Lamar Smith – partisan
Garrett Walton – partisan

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Motion made by Mr. Walton and seconded by Mr. Smith that the Charter provide for County Commissioners to be elected in partisan elections. Motion passed 11 – 3 with Mr. Beall, Mr. Blackmon, and Mr. Menge voting against.

The fifth item for discussion is on page 3, #3 – Should a County Commissioner’s term of office be four years or some other number of years?

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

Motion made by Mr. Beall and seconded by Ms. Brown that the Charter provide for County Commissioner’s term of office be four years. Motion passed 13 –1 with Ms. Sims voting against.

The sixth item for discussion is on page 3, #4 – What residential requirements, if any, should there be to qualify as a candidate for the County Commission?

Charles Beall – at least six months in the district and one year in the county from the date of the general election
Johnny Blackmon – concurred with Mr. Beall
Bobbie Brown – at least one year in the district and two years in the county prior to filing
Laurel Dick – at least six months in the district and one year in the county
Elbert Jones – at least one year in the district and two years in the county
Denis McKinnon – at least one year in the district and two years in the county

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

M.J. Menge – at least six months in the district and one year in the county from the filing date

Frank Montenes – at least year in the district and two years in the county with financial support certification

Ted Nickinson, Jr. – at least one year in the district and two years in the county

Lucy Rentz – at least one year in the district and two years in the county

Rita Riffel – at least six months in the district and one year in the county from the filing date

Phyllis Sims – at least one year in the district and two years in the county

Lamar Smith – at least six months in the district and one year in the county from the filing date

Garrett Walton – open, but has to be from the date of filing

Motion made by Mr. Walton and seconded by Mr. Jones that the Charter Commission is in favor of a residential requirement for candidates of the BCC. Motion passed unanimously.

The following Commission members are in favor of a two-year county residency requirement for the BCC: Mr. Beall, Mr. Blackmon, Ms. Brown, Mr. Jones, Mr. McKinnon, Mr. Montenes, Mr. Nickinson, Ms. Rentz, Ms. Sims, and Mr. Walton. The following Commission members are in favor of a one-year county residency requirement for the BCC: Mr. Dick, Mr. Menge, Ms. Riffel, and Mr. Smith. The two-year county residency requirement passed 10 – 4.

The following members are in favor of a one-year in district residency requirement for candidates of the BCC: Mr. Blackmon, Ms. Brown, Mr. Jones, Mr. McKinnon, Mr. Montenes, Mr. Nickinson, Ms. Rentz, and Ms. Sims. The following members are in favor of a six-month in district residency requirement: Mr. Beall, Mr. Dick, Mr. Menge, Ms. Riffel, Mr. Smith, and Mr. Walton. The one year in district residency requirement passed 8 – 6.

Motion made by Mr. Walton and seconded by Mr. McKinnon that the Charter provide for candidates for the office of County Commissioner meet their residency requirements on the date that such candidates qualify to run for that office. Motion passed 13 – 1 with Mr. Beall voting against.

The seventh item for discussion is on page 3, #5 – How should salaries for the County Commissioners be set and what should the amount of the salary paid to a County Commissioner be upon the effective of the Charter?

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Charles Beall – half of the current salary
Johnny Blackmon – \$30,000 per year
Bobbie Brown – \$25,000 per year
Laurel Dick – \$40,000 per year
Elbert Jones – \$30,000 per year
Denis McKinnon – \$30,000 per year
M.J. Menge – half of what the state sets as compensation for a county commissioner in a non-chartered county having the population of Escambia County
Frank Montenes – half of the current salary
Ted Nickinson, Jr. – \$30,000 per year
Lucy Rentz – \$30,000 per year
Rita Riffel – agrees with Mr. Menge
Phyllis Sims – \$30,000 per year
Lamar Smith – \$18,000 per year so that, people do not run for the money
Garrett Walton – \$18,000 per year with cost of living adjustments built into the charter subject to override by the BCC.

Motion made by Mr. Walton and seconded by Ms. Brown to set the salaries of the County Commissioners at one-third of that which is mandated by the state for County Commissioner salaries in non-chartered counties having the same population as Escambia County. The motion failed with Ms. Brown, Mr. Smith, and Mr. Walton voting in favor of the motion and Mr. Beall, Mr. Blackmon, Mr. Dick, Mr. Jones, Mr. McKinnon, Mr. Menge, Mr. Montenes, Mr. Nickinson, Ms. Rentz, Ms. Riffel, and Ms. Sims opposed to the motion.

Motion made by Mr. Beall and seconded by Mr. Dick to set the salaries of the County Commissioners to one-half of that which is set by the state for County Commissioner's salaries in non-chartered counties having the same population as Escambia County. Motion passed 11 – 3 with Ms. Brown, Mr. Smith, and Mr. Walton voting against.

BREAK – 8 p.m. – 8:05 p.m.

The eighth item for discussion is on page 3, #6 – How should vacancies on the BCC be filled?

Charles Beall – appointed by other members of the BCC, against a special election

Johnny Blackmon – special election if more than one year left in term

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- Bobbie Brown – BCC to appoint and a special election within six months
- Laurel Dick – BCC to fill vacancy if 18 months or less left in term, if more than 18 months left then a special election should be held
- Elbert Jones – BCC to fill vacancy if 18 months or less left in term, if more than 18 months left then a special election should be held
- Denis McKinnon – BCC to fill vacancy if 18 months or less left in term, call for a special election within 60 days if more than 18 months left in the term.
- M.J. Menge – BCC to fill vacancy if 18 months or less left in term, if more than 18 months left then a special election should be held
- Frank Montenes – BCC to fill the vacancy for no longer than 60-90 days, then a special election should be filled
- Ted Nickinson, Jr. – BCC to fill the vacancy
- Lucy Rentz – BCC to fill vacancy if 18 months or less left in term
- Rita Riffel – if 18 months or two years left in term then an election should be held
- Phyllis Sims – If over a 12-month period left in the term then a special election to be held, BCC to appoint if less than 12 months
- Lamar Smith – BCC to appoint until next election because there are elections every two years
- Garrett Walton – BCC to appoint and the vacancy to be filled at the next regular election

Motion made by Mr. Walton and seconded by Mr. Jones that vacancies on the BCC shall be filled by the BCC until the next general election. Motion passed 10 – 4, with Mr. Dick, Mr. McKinnon, Mr. Montenes, and Ms. Sims voting against.

The ninth item for discussion is on page 3, #7 – Should the charter list the powers and duties of the BCC, and, if so, what should those duties and powers be? Should the duties and powers of the BCC be the same as those listed in Section 125.86, Florida Statutes, or should they be clarified and/or expanded?

Motion made by Mr. Nickinson and seconded by Mr. Dick that the Charter list the duties and powers of the BCC. This matter was referred to Mr. Walton’s committee to make a recommendation to the full Commission on the specific duties and powers to be listed in the charter. Motion passed unanimously.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

9. Public Forum

No one addressed the Commission.

10. Unfinished Business

There was no unfinished business.

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 held at Pensacola Junior College, Baroco Center, Room 2142 on Tuesday, September 9, 2003 at 5:30 p.m. Mr. Walton requested that all people on his committee bring a calendar with them to the next meeting so they could schedule their committee meeting.

13. Adjournment

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

Action Items:

1) Mr. Menge to contact Janet Lander to invite her to appear before the Commission or furnish the Commission with her written opinion on the districting situation.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE