

Official

**Escambia County Charter Commission
Meeting of October 21, 2003 at 5:30 p.m.
Pensacola Campus of Pensacola Junior College
Bldg. 96 – Room 9663, College Blvd.
(Thirty-first Meeting)**

Members

Present: M. J. Menge, Chair
Charles F. Beall, Jr
Johnny W. Blackmon
LeRoy Boyd
BarbaraForehand“Bobbie”Brown
Laurel Dick
Elbert Jones, Jr.
Frank Montenes
E. P. “Ted” Nickinson, Jr.
Lucy Rentz
Lamar Smith

Members Rita A. Riffel, Vice Chairman (schedule conflict)

Absent: Denis McKinnon, Jr. (schedule conflict)

Garrett W. Walton (schedule conflict)

AGENDA NUMBER

1. Call to Order – Chairman Menge at 5:30 p.m.

2. Approval of the Agenda

Motion made by Mr. Dick and seconded by Ms. Rentz to approve the agenda with the addition of a presentation by Mr. Menge and a general discussion of Commission members’ overall opinions of their work product. The motion carried 10 – 0 with Mr. Beall arriving late.

3. Approval of the minutes of the October 16, 2003 meeting.

Motion made by Mr. Dick and seconded by Mr. Smith to approve the minutes of the October 16, 2003 meeting. The motion carried unanimously.

4. Communications

- 1) Letter from Jennifer Miles dated October 15, 2003 and response.
- 2) Official minutes of the October 7, 2003 meeting.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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- 3) Proposed work and meeting schedule for Nov. & Dec. 2003, & Jan. 2004.
- 4) Handout from the office of the Clerk of the Circuit Court titled 'General Budget Fund'
- 5) Anonymous letter for recommendation for the Charter document.

5. Committee Reports

Mr. Walton's committee has not met since the last Charter Commission meeting. The Walton committee's next meeting will be held at the offices of JME/Coldwell Banker, 127 S. Palafox St. at noon on Wednesday, October 29, 2003.

Mr. Smith's committee had two handouts for the Commission: 1) Recommended Language for Charter Officers dated 10/16/03 and 2) Recommended Language for County Attorney dated 10/16/03. Mr. Smith's committee met yesterday and approved the proposed language for review and approval of the Commission.

There are additions to the Charter Officers language that should be added regarding residency requirements. Mr. Menge stated that he would like to make a new Sec. 608 and re-title the remaining sections after the insertion of the new language. The new language to Sec. 608 would read as follows: 'Each candidate for the Charter Office of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, or Supervisor of Elections shall be a qualified elector of the county and shall have been a resident of the county for at least two (2) years immediately preceding the date on which he qualifies to run for office.' In Sec. 611, insert a new sentence before the last sentence that reads 'Appointees to the office of any Charter Officer shall meet the same residency requirements as a candidate for one of the Charter Officers'. In response to a question raised by Mr. Dick, Mr. Menge clarified that general law states that candidates for the County Commission shall be residents of the county, but appointive positions do not have to be residents of the county. Appointees are required to move within the County after a certain amount of time after their appointments.

Motion made by Mr. Jones and seconded by Mr. Menge to insert the language on residency requirements as proposed by Mr. Smith's committee and read by Mr. Menge. The motion carried unanimously.

Mr. Montenes is concerned with the use of the word 'abolish' in regard to doing away with the County Officers and bringing them under the charter. He stated that it appears the Commission is putting all of the power into the Commissioners' hands, while at the same time we are making the position

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

of a Commissioner part-time. He is also concerned with having a proper set of checks and balances and the inconsistency of logic of where he believes the Commission is going. Mr. Montenes stated that he believes that there needs to be references to the different sections and provisions within the charter document after the phrase “except as provided herein.”

Discussion for Section 601 of Recommended Language for the Charter Officers.

Mr. Nickinson questioned the use of the word ‘abolish’ in Section 601.

Mr. Menge responded that the State Constitution reads this way in Article VIII, Sec. 1 (d). He used the language from the Constitution on purpose because he believes that tracking the language from the Constitution is the proper course to take in drafting the Charter.

Mr. Beall stated that the language in the Charter has to be clear and that the word ‘abolish’ is a harsh word, but he does not know of what other word could be inserted that would have the same meaning.

Mr. Nickinson suggested the wording ‘transfer and then abolish’.

Mr. Beall concurred with Mr. Nickinson’s thoughts; when you transfer to the Charter Offices, people need to understand it is a one for one exchange. Use the same terms, but arrange differently.

Mr. Menge suggested the following for the 2nd sentence to read: that the powers, duties and responsibilities of the County Offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections are hereby transferred to the newly created Charter Officers as herein above specified (using the same titles) with the tag on of the County Offices whose duties have been transferred are hereby abolished.

Mr. Beall suggested that it read ‘hereby abolished as referred to in Article, Section ... of the Constitution’, and this will explain why and how it was done that way.

Under Sec. 606, Ms. Wanda McBearty wanted to insert the word ‘accountant’ in the second sentence after recorder. Janet Holley expressed concerns as to exactly what the implication of that would be and how broad it is, Ms. McBrearty pointed out that being the custodian of all county funds that one is ipso-facto the accountant. Mr. Menge requested that Mr. Walton’s committee review this issue and bring back a recommendation to the Commission.

Mr. Montenes had a question regarding the word ‘custodian’ and how it is defined. It intrinsically infers that it is a county function plus other financial functions with it.

Mr. Montenes wanted to know if it was far reaching or narrow.

Mr. Menge did not believe that it was narrow.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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Discussion on the Recommended Language for County Attorney.

Mr. Smith gave an overview of the Recommended Language for County Attorney.

Mr. Montenes believed that under Sec. 502, language should be added from some of the job description that was provided to the Commission. There should be more to the job description than be a member of the Florida Bar.

Under Sec. 504, Mr. Montenes suggested to add the wording ‘as applicable’ in regard to the part-time wording. He has a problem with the Commission dictating who can work part-time or full-time.

Mr. Beall clarified that in cases of conflict of interest that there are times the County needs to hire an outside law firm on a contract basis.

Under Sec. 505, Mr. Beall suggested a change to the language in the fourth line – place a period after the word responsibilities, take out the word ‘and’, and start a new sentence with ‘Upon’. There needs to be language that takes the County Attorney off the hook in case of any conflict at all, the County Attorney represents the BCC first and foremost.

Mr. Montenes wanted to make sure that the last sentence covers the Planning and Adjustment Board.

Mr. Nickinson was concerned that this wording would mean that the County Attorney would represent the newly created Human Resources Department and replace the gentleman who has done a good job for the Civil Service Board.

Mr. Menge stated that this was in fact the case, but there was nothing stopping the hiring of Keith Wells to handle appeals that come before the Appeals Board. This matter should be taken up by the panel that is to be created by the Charter. The Civil Service Board is aware that it will be sunsetted either by the Legislature or the Charter, but the Civil Service Board supports a unified Civil Service System.

Mr. Montenes stated that Ch. 13, Florida Statutes, deals with the Comp Plan. The County Attorney needs to have the ability to hire an attorney who is familiar with inter- governmental laws, so the departments can have someone to refer to that has that type of expertise.

Under Sec. 506, Mr. Montenes wanted to know who determines who gets a county vehicle. This was referred to the Whitman Center for follow up.

Next meeting for Mr. Smith’s committee will be October 27, 2003, 11 a.m. and will be moved to the 11th floor conference room, Seville Tower. Mr. Smith stated his Committee would consider suggestions made by the Commission at its meeting.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Beall's committee will meet on Thursday, October 23, 2003 and Tuesday, October 28, 2003, both at 4 p.m. in the Suntrust Building on the 9th floor.

6. Public Forum

No one addressed the Commission.

7. Unfinished Business

There was no unfinished business.

8. Items added to the Agenda

Mr. Menge made a presentation to the Commission that mirrored the one he will be giving to a group of people interested in the charter.

Mr. Menge provided a flipchart with the main themes that appear in previously proposed Charters. This will be the fourth charter presented to the voters of Escambia County. There are ten (10) common themes in all four of the charters:

- 1) BCC should be a policy setting legislative body.
- 2) As a governing body responsible for levying taxes, the BCC ought to have ultimate control over the budget.
- 3) Non-interference clause.
- 4) County Administrator to be a charter position.
- 5) County Administrator ought to be Chief Administrative Officer.
- 6) Personnel system based on merit principles.
- 7) Administrative structure to be reorganized to achieve savings.
- 8) County Attorney to be a Charter position independent from the County Administrator.
- 9) Public Officials to be subject to recall.
- 10) Citizens to have the right to petition for referendum on any county action and also amendments to the charter.

Mr. Menge stated that there were twenty-one people on the 1979 Charter Commission, thirty-three people on the 1986 Commission, twelve people on the 1995 Commission, and currently there are fifteen people on this Charter Commission. All of the previous commissions plus the current one had widespread representation from all over the county.

All four Charter Commissions, after their study of the existing county governmental structure, believed that local government needed to be improved.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

Mr. Menge then reviewed the items that will be found in the current charter.

Legislative Branch

- 1) BCC of ten members.
- 2) Salaries reduced to approximately \$34,000 annually.
- 3) Elimination of personal office and personal assistant for each County Commissioner.
- 4) Non-interference clause.
- 5) Specific limitation placed on taxing authority of BCC.

Administrative Branch

- 1) Position of County Administrator as a charter position.
- 2) County Administrator to be Chief Administrative Officer with the authority to hire and fire Department Heads.
- 3) Establishment of a Central Purchasing Office for all County Departments and Charter Officers.
- 4) Establishment of a Personnel Administration System for all County and Charter Officer classified employees.

Finance

- 1) Consolidate some finance and accounting functions in Office of Clerk of Circuit Court.
- 2) Establishment of unified and uniform budget system.
- 3) Establishment of auditing Committee; separate the post audit functions from the finance and accounting functions handled by the Clerk of the Circuit Court.
- 4) Prohibits the Charter Officers from appealing their budgets as established by the BCC to the state.

County Attorney

- 1) Will be established as a Charter Position.
- 2) To be hired by and report directly to the BCC, not the County Administrator.
- 3) Provide legal representation to the BCC and to the Charter Officers upon request.

County Officers

- 1) Made part of the charter, by changing their designated names to Charter Officers.
- 2) Elected county wide.
- 3) Powers, duties, and responsibilities remain substantially the same.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

AGENDA NUMBER-Continued

- 4) Salaries to remain the same as set by the state.
- 5) Continue to be elected in partisan elections with the exception of the Supervisor of Elections.

Provisions affecting Charter Officers

- 1) Made subject to recall.
- 2) Establishment of a Central Purchasing Office.
- 3) Establishment of a Personnel Administration System.
- 4) Consolidation of some finance & accounting functions.
- 5) Prohibition against appealing budgets to the state.

SRIA

- 1) Retained substantially as is, but made a charter agency.

ECUA

- 1) Retained substantially as is, but made a charter agency.

Recall

- 1) Provision of general law to be applied to BCC and Charter Officers.

Referendum

- 1) Charter will provide citizens the right to petition for referendum, to initiate, amend, or appeal ordinances, and grant the right to petition for referendum on proposed charter amendments.

Mr. Dick wanted to make sure that the people knew they still have the right to call their County Commissioner if need be.

Mr. Blackmon inquired if the group needed to be informed that the Commission is seeking an opinion from the AG's office on going to ten Commissioners.

Mr. Menge stated he has thought of many things that could be stated in his presentation but because of time limitations did not desire to make the presentation too detail oriented. During the question and answer period following his presentations he would have an opportunity to go more into detail.

Mr. Montenes stated that the presentation was excellent, but wanted to point out that the prospective audience is pro-charter. He believes that there should be a sheet that covers the reason on why the Charter Commission got started to begin with, i.e., community embarrassment, lack of infrastructure, underemployed population, environment, and economics. The document is trying to make all of the different county government entities work together.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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Mr. Jones agreed that it is an excellent presentation but, he still believes that the people are concerned with the dilution of certain districts.

Mr. Nickinson stated that the 95 charter created a budget review board. He does not want the Charter Officers to be left dangling without a right to appeal.

Mr. Montenes stated that there are some issues that go beyond the appeal and he prefers that the matter go before the Walton committee to be ironed out before it is presented to the Commission. He believes that the citizens are apathetic and are not concerned with the charter currently because it appears as if some of the things regarding county government have been fixed.

Mr. Beall stated that he believes that what he would stress when discussing charter is that: almost any form of government can work well if the right people are elected; the key is to have a form of government that works well when the wrong people are elected. We need to fix it, before it gets broken again by the wrong people.

Mr. Menge asked the Commission if they had any objection to Mr. Walton's committee considering the establishment of a budget review committee as has been discussed. There were no objections to this idea.

Mr. Menge then asked the Commission members to comment on the charter as a whole.

Mr. Smith stated he is concerned with the checks & balances and does not want to create an Administration with an enormous amount of power.

Ms. Rentz thinks it is a good document and the question she hears the most from the citizens is 'why do we need it?' She agrees with Mr. Beall's latest statement and it is a document that she can embrace.

Mr. Nickinson feels very good about what has been done so far.

Mr. Montenes does not believe that the Commission is at a level of where it should be. The methodology is there, but we are not quite there. He is a little concerned that the final language is not there. He still has enthusiasm, but he does not have a warm feeling about it. He still has problems with not being able to get closure from David Tucker on the ten Commissioners.

Mr. Menge stated he has been in contact with David Tucker and that it will be another two weeks before Mr. Tucker will be able to draft the request to the AG's office.

Mr. Jones feels a lot warmer than Mr. Montenes and has been impressed with the way the group has come together. He will feel a lot better when he sees more on paper and what the AG's opinion is. He is ready to go and sell the charter.

MINUTES OF THE CHARTER COMMISSION MEETING – Continued

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Mr. Dick remains concerned with the splitting of the districts and some of the issues that we have adopted that has a lot of political people voicing their opinions. He believes that it is a very fair charter.

Ms. Brown states that she could support the charter.

Mr. Boyd agrees with Mr. Beall's comments. He is concerned with the Sheriff as a Charter Officer, the ten members, but with the majority of what is in the charter he has warm feelings about it.

Mr. Blackmon believes that he can support the document. People are trying to make sure that what has happened in the past will not happen again.

Mr. Beall feels very warm about the decisions made overall from the drafting of charter. He is concerned with some of the decisions that have been made on a political standpoint, as to whether they will survive. He has been impressed with the lack of block voting.

Mr. Menge praised the group as hard-working and making good decisions. He wants the document to have the stamp of approval from everyone on the Commission if possible. He is pleased with the group coming together and putting aside subjective feelings to craft a document that will improve our county government.

9. Announcement regarding the next meeting

The next meeting will be held in the BCC on October 30, 2003 at 5:30 p.m.

10. Adjournment

The meeting was adjourned at 7:25 p.m.

Action Items:

1) Who decides who is provided with a county vehicle?

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE