

Official

**Escambia County Charter Commission
Minutes of December 4, 2003 at 7 p.m.
Molino Park Elementary
(Thirty – seventh Meeting)**

First Public Hearing

Members

Present: M. J. Menge, Chair
Charles F. Beall, Jr.
Johnny W. Blackmon
Barbara Forehand “Bobbie” Brown
Elbert Jones, Jr.
Lamar Smith

Members

Absent: Rita A. Riffel, Vice Chairman (schedule conflict)
LeRoy Boyd (schedule conflict)
Jewel Cannada-Wynn (schedule conflict)
Laurel Dick (schedule conflict)
Denis McKinnon, Jr. (schedule conflict)
Frank Montenes (schedule conflict)
E. P. “Ted” Nickinson, Jr. (schedule conflict)
Lucy Rentz (schedule conflict)
Garrett W. Walton (schedule conflict)

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1. Call to Order – Chairman Menge at 7:05 p.m.
2. Approval of the Agenda

There was no quorum; therefore no business was conducted at this evening’s meeting.

3. Approval of the minutes of the November 13, 2003 meeting

This matter was delayed because the minutes were not completed in time for the members to review and there was no quorum.

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4. Approval of the minutes of the November 18, 2003 meeting

This matter was delayed because the minutes were not completed in time for the members to review and there was no quorum.

5. Approval of any Committee meeting minutes

Mr. Beall's committee reviewed their last set of minutes. **Ms. Brown made a motion to approve the minutes from the November 18, 2003 committee meeting and it was seconded by Mr. Blackmon. The motion passed unanimously.**

6. Communications

- A. Memo from Bobbie Brown dated December 4, 2003.
- B. Handout from speaker Bill Rayburn.

7. Presentation by Charter Commission

Mr. Menge began his presentation with a brief history of the work of the Charter Commission over the past thirteen months. The fifteen member Commission began meeting in November 2002 in order to fulfill the task of drafting a charter for Escambia County. The Commission first began with a comprehensive study of local county government to determine whether the structure and operational methods needed reorganization and/or improvement. Based on that study the Commission has drafted a charter which it believes will improve local government.

Mr. Menge stated that this evening's meeting was the first of four public hearings for the presentation of the charter. The schedule is as follows; Thursday, December 18, 2003, 7 p.m. at the Perdido Bay United Methodist Church, Tuesday, January 6, 2004, 7 p.m. at Greater Union Baptist Church, and the final meeting in order to vote on the charter and present the document to the Board of County Commissioners is Thursday, January 22, 2004, 1 p.m. in the Board of County Commission chambers. Under the law, the Board of County Commissioners is required to put the proposed charter on the ballot for a referendum election no less than forty-five and no more than ninety days from the date it receives the document from the Charter Commission. The Board of County Commissioners is not allowed to make any changes to the charter document after it receives it; the Board is required to place it on the ballot the way it is proposed and allow the voters to either approve it or disapprove it. The March 9th Presidential primary is the goal for the charter

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election; this would prevent a special election from being held that would incur unnecessary costs to the taxpayers.

Mr. Menge presented the findings and decisions of the Charter Commission. From its study, the Commission found that it was not difficult for one strong willed commissioner to run the BCC with only five commissioners sitting on the board, also with five, it is easy to have back room deals. It also appears that with only five commissioners that one or more would risk violating the Sunshine Law. There were five commissioners back in the 1880's governing a population of about 100,000 people; now five commissioners govern approximately 300,000 people. The BCC has not placed the proper priority on setting policy as a governing body. Salaries paid to both the commissioners and their staff are believed to be excessive. It was also found that the BCC continually interferes with the work of the county employees. The current operations of county government have created great inefficiencies. Late night add-ons to agendas without notice to the public have cost the taxpayers several million dollars. No realistic strategic long range plan for the county has ever been developed and implemented.

Currently the position of the County Administrator is created by county ordinance and is not a permanent position. In order to attract the best candidates possible in the future, the position needs to be a permanent one. The Charter provides that it would take a super majority vote to hire and fire the County Administrator. The County Administrator should be able to be held accountable for his duties and for this to occur he should be able to hire and fire his department heads. No more specific powers were given to the position of County Administrator than are listed in the Florida Statutes for County Administrators of non-chartered counties. The rules and regulations of the various departments and divisions of the county ought to be compiled into an administrative code so that the citizens of Escambia County can determine from a review of the Code how to proceed when dealing with a county department or division.

With regard to the existing Constitutional Officers of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and the Supervisor of Elections there was no need to restructure those Constitutional Officers' offices. Some studies indicated that savings could be achieved through the Constitutional Officers' utilization of centralized purchasing and a unified personnel administration system. A mechanism has been developed for them to utilize these services if a savings is apparent and they chose to participate. The Supervisor of Elections requested that that position be elected on a non-partisan basis.

In the area of personnel administration, the Charter Commission found a great deal of dissatisfaction with the Civil Service System the county

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employees are under. In 2001, the Property Appraiser, Tax Collector, and the Clerk of the Circuit Court withdrew from the existing Civil Service System. The last few years the BCC has annually requested that the legislative delegation allow its employees to withdraw from the Civil Service System. The testimony received from the Sheriff and the executive director of the ECUA showed that they too have encountered difficulties with the Civil Service System. These difficulties have been brought to the legislative delegation's attention. The legislative delegation has indicated that it is the delegation's intent to introduce legislation to abolish the Civil Service Board in the next legislative session. This Commission felt that there continued to be a need for a merit system for the county employees and an opportunity for employees to bring their grievances to a personnel appeals board.

In the area of taxation, budget, and finance, the Commission discovered that Escambia County is one of the most heavily taxed counties in the state when compared with other counties of comparable size considering its per capita income. Those counties of comparable size to Escambia County who have adopted a charter have been able to lower their taxes. The county has not developed a long range financial plan nor has it adopted the state auditor general's recommendation to create an audit committee to oversee the auditing of the county's financial records and programs.

Although some members of the public questioned the decisions made by the SRIA and the ECUA, the majority of the Commission voted to not change the basic structure of the SRIA or the ECUA other than making them charter agencies, thus making them subject to the will of the people of Escambia County. If the voters of Escambia County wished to change these agencies in the future, then they, not the state legislature, would do so.

Members of the public that addressed the Commission during the nine public input meetings indicated that they would like to have the ability to recall the County Commissioners. The public desires to be able to propose and initiate amendments to the charter and also to initiate or appeal ordinances that are adopted by the BCC.

Mr. Menge stated that he found it very interesting from a review of the grand jury report to see that the Charter Commission made many of the same findings and recommendations made by the grand jury. A charter has been drafted that most of the members believe address the structural changes that are needed in the county government.

Mr. Menge then presented a synopsis of what can be found in the proposed document through the aid of power point. There are three basic forms of government found in state statute. The first type is the County Executive form which allows the chief executive to be elected on a county wide basis. He would not sit on the BCC, but would be allowed to veto legislation or ordinances by the County Commission; this is very similar to

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how the school board is structured. The second type is the County Chairman form which provides for the County Chairman to be elected on a county wide basis. The Chairman sits on the County Commission and is able to vote. He would be in charge of selecting the County Administrator subject to the approval of the County Commission. The third form is the County Manager form which is what we have today in Escambia County. Under that form the members of the BCC are elected by the voters of the county and the BCC then selects the County Administrator. This is the form that the Charter Commission recommends. There would be an elected BCC with an appointed County Administrator with the BCC being the legislative body in charge of policy, passing ordinances and setting the directions for the county. The County Administrator will be the chief administrative officer responsible for carrying out the policies and making sure they are implemented.

The Legislative Branch would be a Board of County Commissioners made up of ten members elected from ten single member districts. Bonnie Jones, Supervisor of Elections provided a preliminary map of the proposed changes in districts for the public's review. The Commissioners are expected to be the visionary leaders of the county and their priorities should be placed on policy making. Salaries would be cut in half and adequate support staff and meeting space will be provided. Emphasis will be placed on the development and implementation of a five year strategic plan. Non-agenda items are discouraged and will only be allowed to be acted upon in case of an emergency. Administrative Code is a compilation of existing rules, regulations, and procedures that show what the administrative details are for the county. There will be a non-interference clause which provides that County Commissioners are not to interfere with county employees in the performance of their duties. Questioning county employees for information gathering is not restricted. A County Commissioner will continue to be able to have the County Administrator address the concerns of his constituents. Candidates for the County Commission must have been a resident of the county for two years and a resident of the district for one year. Vacancies will be filled by the remaining members of the BCC until the next general election. County Commissioners may be recalled pursuant to general law.

The County Administrator was made a Charter Officer. It will take a super majority vote of seven to hire and fire the County Administrator. He will be granted the authority to hire and fire department heads. The BCC will provide him with an annual written performance review.

There will be no change in the powers, duties and responsibilities of the elected Constitutional County Offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court, and Supervisor of Elections. The Supervisor of Elections will be elected on a non-partisan basis.

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The Constitutional County Officers will have Centralized Purchasing and the Personnel Administration System available to them if they feel as if the services would benefit their offices. Vacancies will be filled by the BCC until the next general election.

The Personnel Administration System will retain the merit system for the County. Classified and unclassified systems will be established. There will be limitations on unclassified positions; it is recommended that no more than 10% of the county positions be unclassified. A Personnel Appeals Board will be established which will have jurisdiction over county and ECUA employees. The Board will consist of representatives from both the employees and management.

In budget and finance, the taxing authority of the BCC is limited. It is specifically stated that the BCC will not be allowed to levy any taxes other than those a non-chartered county could levy. A balanced budget is required and also a financial plan that will support the strategic plan. An audit committee will be created that will have the responsibility to oversee an independent audit of the county.

The ECUA will be retained as a separate charter agency with a five member board. Their members will be subject to recall. The ECUA will be allowed to establish a Personnel Administration System and their employees would be able to utilize the Personnel Appeals Board. Vacancies on the board will be filled by the remaining members on the board.

The SRIA will be retained as a separate charter agency with five members selected by the BCC and a sixth member of the SRIA Board being elected by the resident leaseholders on Pensacola Beach. Any appointed SRIA Board member will be subject to removal by the BCC. Members will be required to be an elector of Escambia County. Term limits were placed on the board members. No member of the board will serve more than eight years.

Other provisions are: code of ethics, charter amendments, and a voter initiative to adopt, amend or repeal county ordinances. The transition provisions will be: eight new commissioners to be elected in 2004, Commissioners Banjanin and Dickson will be allowed to complete their terms, and the County's Personnel Administration System will go into effect October 1, 2005, the date the Civil Service Board will be sunset.

8. Public Forum

1. Bill Rayburn – He provided the Commission members with a handout. He does not support the proposals laid out in the charter and believes that this charter is worse than the previous one. The Commission got off to a bad start because no representatives from District One or District Two were appointed to the Commission. The concept of ten commissioners is a

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major error and will dilute the vote for everyone. It is absurd to think that there would not be any aides or any office space. He personally objects to a non-interference clause and the creation of a super administrator. This puts too much authority in the hands of a non-elected official and he does not want to parallel the City Council, because the City Council in his mind is run by the staff. He prefers for his commissioner to represent him and wants the commissioner to be able to tell him when his road will be paved or ditches will be cleaned. He appreciates the attempt on taxation but does not believe that the charter went far enough. He suggested that the millage be kept at the current rate and any increase of that rate should go to the voters. There are no references to municipal services tax units, it needs to be stated that no additional MSTU's and MSBU's be implemented beyond what we have today without the vote of the people. There needs to be caps on the amount of bonds the commission can issue. He does not understand the rationale of five ECUA board members and ten county commissioners, why the difference? He believes that this districting could place a person in a different district for each of the following; school board, the ECUA, and the county commission. He does not believe that the Supervisor of Elections can be made non-partisan because those positions are promulgated by statute. All of the offices should be partisan. If the Constitutional Officers were left intact, how can a strategic plan with any validity whatsoever be developed? If there is any value whatsoever then the Constitutional Officers need to be made Charter Officers. That way, there might be some savings by consolidating the support functions: payroll and information services. A citizen's budget committee should be considered. The law enforcement issue needs to be addressed. Some good things are; attempt on recall and provisions on amendments.

2. Clarke Carraway – He stated that when you go to do away with the commissioner's salaries and then add five more you have not gotten anywhere. The County Commissioner is the man who knows where everybody is in regards to safety. The County Administrator can be from anywhere and would not know the county so, they are not qualified. We do not want a County Administrator to make sure the streets of Pensacola are swept. He agrees that changes are needed but is against charter and will place posters all over the place because he is retired.
3. John Reese – He concurs with the previous two speakers. He is reticent about charter, but what he has seen here this evening is more attractive than before.
4. Robert Hudson – He concurs with the others. This charter is a noble effort but it does not make the grade. He wants his County Commissioner to represent him, when he calls his commissioner he wants their voice not

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their opinion. Taxing and rezoning needs to be always open to debate. He likes the system we have now and sees no reason to change especially when there is scandal in the highest office of the U.S. and that is not changed.

5. Regi Burkett – He believes that another meeting is needed at the extreme north end of the county because there is another thirty-five miles to go and there should not be meetings held only in the middle of the district. He is opposed to the deal to get rid of the administrator by a super seven, we need four to get rid of the one we have now who we desperately need to get rid of.
6. Mike West – Wanted to inform the people of his website Gulf1.com which will be kept updated with any revisions as they are made are available to him. There is also the availability for the public to post their comments and ask questions.
7. Ellen Roston – She is concerned over whether the division of the county into ten districts will result in a dilution of the African American vote. Your legal advisory team has told you specifically that no one on their committee is a voting rights expert and she strongly recommends that the Commission consult with one. She is also concerned with the super majority vote to fire a County Administrator, if you have a bad County Administrator you want to be able to remove him/her with a simple majority vote. Her last concern is with the makeup of the audit committee, the whole point of the audit committee was to be independent of the people they are auditing. The current setup is people who are being audited appointing people to the audit committee. She knows that the charter as written is following Florida Statute 218.391 with regard to who shall be on or appointed to the audit committee with the exception that the charter eliminates the possibility of a designee by the County Commission and instead requires a Commissioner to sit on the committee. The charter also requires that the four appointees be CPAs or certified internal auditors; this is not a requirement of the statutes and it is unnecessary because it is limiting. Diverse backgrounds are needed on audit committees. She would suggest someone who has run a successful business would provide valuable experience.
8. Janet deLorge – She is representing the League of Women Voters. They have some concerns about the division of the county into ten voting districts. As a league, they support the concept of charter government and that came about following studies that were completed on local government. The citizens have a greater opportunity under charter government. The LWV of Florida believes that the redistricting of the county should not dilute the voting strength of any group based on race, religion, or national origin. A final determination should be made by the

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Commission that the redistricting will not result in dilution of the minority vote before the charter is presented to the voters of the county.

9. Mary Chirico – She suggested that since the Pensacola News Journal gets there a day late that more publicity needs to go into advertising the charter meetings. The northern end does not get the communication from Pensacola it should. They are totally different in this area and charter government would mean quite a bit of change for the people in this area.

BREAK: 8:25 p.m. – 8: 40 p.m.

9. Unfinished Business

Mr. Menge informed the Commission members that he sent a copy of the proposed charter to Don Partington along with a letter requesting that the Legal Advisory Team review the Charter and provide the Commission with its comments.

10. Items added to the Agenda

There were no items added to the agenda.

11. Announcement regarding the next meeting

The next meeting will be at the Perdido Bay United Methodist Church on December 18, 2003 at 7 p.m.

12. Adjournment

The meeting was adjourned at 8:47 p.m.

APPROVED BY:

THE CHARTER COMMISSION

PREPARED BY:

UNIVERSITY OF WEST FLORIDA WHITMAN CENTER FOR PUBLIC SERVICE

