

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425

4TH FLOOR, CITY HALL

JACKSONVILLE, FLORIDA 32202

904-630-1377

**CHARTER REVISION COMMISSION MEETING MINUTES**

**City Council Chamber, 1st floor, City Hall**

 **August 29, 2019**

**9:00 a.m.**

**In attendance:** Commissioners Lindsey Brock (Chair), Jessica Baker, Frank Denton, William "W.C." Gentry, Charles Griggs, Chris Hagan, Nick Howland, Heidi Jameson, Ann-Marie Knight, Emily Lisska, Nelson McCoy, Celestine Mills, Matt Schellenberg

**Excused:** Commissioner Betzy Santiago

**Also**: Paige Johnston – Office of General Counsel; Jeff Clements – Council Research Division; Carol Owens and Ladayija Nichols – Legislative Services Division; Steve Cassada – Council Staff Services;

**Meeting Convened**: 9:03 a.m.

Chairman Brock called the meeting to order.

Approval of Minutes

The minutes of the July 31st and August 16th Charter Revision Commission meetings were reviewed. Commissioner Schellenberg said that the minutes of the August 16th meeting did not accurately reflect his comments regarding whether the commission should review and opine on the work of previous Charter Revision Commissions and requested a revision based on the meeting transcript

The **minutes were approved** with Mr. Schellenberg’s requested changes to the August 16th minutes to be incorporated after a review of the verbatim transcript.

Commissioner Mills said that she agreed with Commissioner Schellenberg in his opposition to an appointed school board and elected superintendent and with his statement that the current Charter Revision Commission should not bypass reviewing the work and recommendations of the previous commission 10 years ago.

Chair’s Remarks

Mr. Brock said that since the recent announcement by the School Board that it will retain legal counsel and challenge the City Council’s right to decline to place the proposed sales tax for school capital projects on a ballot for a referendum vote, it will be up to the courts to decide that issue and the relationship of the School Board to the City Council, so he sees no need for the Charter Revision Commission to take up that issue since it will be settled definitively by the result of the litigation. He also believes that since a legislative J-bill has been filed by Rep. Jason Fischer proposing to make the School Board appointed rather than elected and the School Superintendent an elected position, he also believes there is no need for the commission to delve into that subject. He said that the charge to the commission is to examine the Charter as it exists and to propose any changes it deem advisable, not to spend time reviewing reports of previous charter revision commissions.

Commissioner Gentry said that the commission will decide as a body what it will or will not debate and vote on, and the Chair’s view of what is relevant is not binding on the group. He believes that the current situation between the School Board and City Council indicates that there may well be areas of the Charter that need examination and clarification by this commission, and that reviewing the recommendations of the previous Charter Revision Commission for their current relevance or clarification of ambiguities may be advisable. The Commission has not yet made a collective decision about whether it will or will not look at the report from 10 years ago.

Commissioner Schellenberg advocated for the selection of commission meeting dates as soon as possible to get on everyone’s calendars.

Chairman Brock noted that former Judge Ron Swanson has been nominated to replace Commissioner Shine and is in the audience today.

Commissioner Hagan said that focusing on issues in the current timeframe disregards the fact that important issues have come up in the past that may not be “hot topics” at the moment, but still deserve consideration. Commissioner Griggs said that the commission should consider all of the topics that have been raised thus far to at least examine their current relevance. Chairman Brock said that he has been in communication with former City Council Member Lori Boyer who chaired the Task Force on Consolidated Government about coming to a future meeting to describe that body’s work and recommendations.

Commissioner Schellenberg said that believes the consolidated government’s “balance of power” is out of balance currently, and that the strong mayor is exerting undue influence, with the assistance of the General Counsel, over the entire operation of government. Commissioner Knight said that it will be important to judge how well the government deals with its neighborhoods and uses its powers to benefit the communities.

Commissioner Denton, who was excused from the last meeting, offered the following topics for the CRC’s study: the Office of General Counsel; employee residence requirements; term limits and staggered terms for the mayor and council; an Urban Core Investment Authority; should the constitutional officers be appointed ministerial officials rather than elected; creation of a children’s trust fund; and whether members of independent boards and commissions be subject to complete replacement by a new mayor. He agreed with earlier comments that issues raised at the previous Charter Revision Commission should not be off limits for review and comment.

Chairman Brock reiterated that he never intended to say that the current commission would not look at any issue the old CRC looked at; what he meant was that if the previous body spent lots of time and effort looking at the issue and there’s current legislation pending on that subject, then there’s no need to rehash and re-study since the previous recommendation is in the process of being acted on. He sees a need to propose ways to reach closure on issues with some sort of formal action and not keep bringing up things that have been previously recommended but not enacted.

Commissioner Howland recommended study of the following issues: crime and education are his priorities - Kids Hope Alliance dedicated funding source; 8th elected at-large school board chair concept.

Commissioner Gentry said that process for handling and resolving CRC recommendations needs to be formalized somehow – the commission shouldn’t invest tremendous time and energy in the study process only to see the recommendations fade away with City Council taking no action one way or another. Chairman Brock said he’s been researching charter revision commissions in other places to see how they operate. Some have a mechanism where CRC recommendations go to referendum or go to the governing body for definitive action.

Jerry Holland – Property Appraiser

Mr. Holland, a former City Council member and Supervisor of Elections, commended the commissioners for being willing to serve in this important role. He said that the constitutional officers perform ministerial functions and believes that their term limits should be extended from 8 to 12 years for reasons of continuity and institutional knowledge. He made the proviso that he does not believe that changes in term limits, if enacted, should be applied to anyone currently serving in office. Regarding selection of the General Counsel, he believes the Mayor has the closest relationship with that officer and has the greatest interest in hiring and keeping a General Counsel that reflects his/her views. He believes that all the clients represented by the OGC should have some more say in the selection of the General Counsel to ensure that their needs are better represented.

Commissioner Gentry questioned whether City Council term limits should be extended for the same reason of institutional knowledge. Mr. Holland said he doesn’t have an opinion on that, but it’s worth discussing.

Commissioner Griggs – couldn’t constitutional officers choose to keep the experienced staff and not replace them all? Mr. Holland - Yes, but some don’t do that. Civil service employees provide continuity, but some new officials want to bring in their team and clean house. It’s at their discretion.

Commissioner Griggs said he is agreeable with extending constitutional officers to 12 years, but wouldn’t favor that for City Council.

Mr. Holland said that massive turnover and replacement of long-time staff with new appointees who’ve never done the job threatens the level of service provided to the general public. Change for the sake of change isn’t good.

Commissioner Griggs asked if a12 year term dis-incentivizes the motivation for an elected official to do a good job. It’s hard to replace an incumbent unless they’re really bad, so mediocrity could go on for a while. Mr. Holland said that same argument could be made about the motivation of any lame duck toward the end of their second term – what’s the incentive to do a good job to the very end of the term?

Commissioner Lisska asked why 12 years rather than more? Mr. Holland said it is a matter of what the public accept. He believes policy makers need to be limited to 12 or 16 years, but not unlimited tenure.

Commissioner Baker asked what level of staff typically changes when constitutional officer change – some, all, high level only? Mr. Holland said that typically senior leadership changes; some clean our more than others and go into long-time employees.

Commissioner Schellenberg said the public has spoken on the 2 term limit, but elected officials have begun sitting out a term and then coming back. He suggested perhaps two 6-year terms then no more. Mr. Holland said he hadn’t thought about 6 year terms but feels it’s up to the voters whether they want to keep an elected official or not and feels that elections every 4 years are better than every 6. There are differing philosophies about how long officials should serve and whether the cycling of officials from one position to another is good or not. Mr. Schellenberg felt that term limits hurt continuity of long-term planning, especially by mayors. He asked if the Sheriff should be term limited, and Mr. Holland said he believed they should.

Commissioner Schellenberg asked if City Council should have the right to challenge or override mayoral waivers of policies, such as the qualifications for appointed employees. Mr. Holland said that City Councils and General Counsels rarely challenge a mayor on their selection of appointed officials. When Mr. Schellenberg asked about the Council’s recourse if they feel like a General Counsel isn’t up to the job, Mr. Holland felt it would be better to require Council to approve reappointment of the General Counsel every 4 years rather than trying to dismiss them mid-term. Checks and balances are necessary to maintain confidence in the system, but ultimately somebody has to be in charge and make the final call, and a General Counsel shouldn’t be reappointed if there is dissatisfaction about their performance.

In response to a question from Commissioner Schellenberg about how to deal with the current Kids Hope Alliance situation where the Mayor suspended an employee of a supposedly independent board, Mr. Holland said he preferred not to comment.

Commissioner Griggs reiterated his suggestion to stagger the term of the General Counsel 2 years overlapping with the Mayor’s term to provide continuity and improve confidence that the General Counsel is not the Mayor’s personal attorney. Mr. Holland felt that was a step in the right direction, but a General Counsel will generally be influenced by what the Mayor wants. A high degree of independence is needed to ensure confidence in the system.

Commissioner Baker said she believes that the last couple of General Counsels have in fact overlapped mayoral terms and asked Paige Johnston for research on past practice.

Commissioner Schellenberg noted that former General Counsel Cindy Laquidara was appointed as an interim General Counsel and then was allowed override the 1 year limit on acting as an interim – that’s the problem with lack of ability to check the Mayor and General Counsel if they want to do something. He said there is very little competition for the position of General Counsel because everyone knows it’s largely a done deal when the mayor indicates who they want to appoint and prominent attorneys don’t want to put themselves in a bad position by bucking the system.

Ranked Choice Voting

Mr. Holland said the system is designed to eliminate runoffs by allowing voters to rank their candidate preferences in order, eliminating the lowest vote-getters in the first tabulation if no candidate gets a majority, and distributing the voters’ second- and third-choice votes among the remaining candidates in a second tabulation. The intent is to eliminate the cost of a runoff election, which also typically have lower turnout than an initial election. Mr. Holland likened attitudes about ranked choice voting to the Electoral College – how you feel about it depends on the result and whether your preferred candidate benefitted or not from the system in place. Some think that it can help a predominant ideology or party win an election when multiple candidates for that ideology or party split the vote for a seat and less numerous ideology or party wins as a result of the split support. He explained that ranked choice voting needs state-certified election equipment before it can be used, and the last time he heard the state had not approved any ranked choice voting systems. In response to a question from Chairman Brock about whether studies have determined how it really works, Mr. Holland suggested that the Pew Center does lots of electoral research and may have some information on that subject.

Commissioner Griggs asked what areas of town are struggling with low property values. Mr. Holland said the urban core tends to lag other parts of town because of the law of supply and demand – property values at the Beaches and some desirable suburbs are booming while other areas lag. It’s an example of free market forces at work – what do buyers want to buy and how much are they willing to pay, particularly if there’s limited supply? People look for best value for their investment, which encompasses lots of factors including school quality, area safety, availability of amenities, etc. Mr. Griggs asked about the concept of an Urban Core Investment Authority. Mr. Holland likened it to the example of Arlington with Jacksonville University acting as a catalyst leading the charge for a CRA to revitalize the area. He believes revitalization needs to deal with small areas at a time and requires investment of lots of money to make positive change. He suggested starting with areas still on the good side of the tipping point to preserve them instead of going to the worst places first where the revitalization job will be much, much harder. Mr. Griggs said that working around the edges and hoping for trickle-down improvement doesn’t work. Mr. Holland said a city can get a reputation for better or worse depending on what people focus on and overcoming that is hard to accomplish. Long term plans are hard to carry out because of term limits and ever-changing leadership. Mr. Griggs wondered if independent authority could be a way to attack the problem and Mr. Holland said it’s worthy of consideration but could be hard to fund consistently.

In response to a question from Commissioner Jameson about how much a stand-alone election costs, Mr. Holland said he believes the cost is approximately $1.2 million for all 199 precincts. In response to a question about how ranked choice voting workd if voters don’t rank candidates all the way down the ballot, Mr. Holland said you obviously can’t make people rank every candidate, but the system just keeps recalculating based on the remaining ranked votes until a winner is decided. Commissioner McCoy wondered if ranked choice could help with the liberal/conservative, Republican/Democrat split and get people to think about third parties or alternate candidates. Mr. Holland said it possibly could by encouraging candidates to appeal to as many voters as possible as a potential second choice if their #1 candidate fails in the initial tally. People who may like a candidate’s policies but don’t feel that they have a realistic chance of winning an election outright may be willing to rank them second and thereby support their electability if the race isn’t decided in the initial tally.

Commissioner McCoy asked about the functions of the Property Appraiser and how it might operate to help revitalize depressed areas. Mr. Holland said his office has four primary functions: 1) value 366,000 parcels every year, 2) maintain all exemptions (about 30 are available), 3) audit self-reported values of tangible personal property, and 4) manage a publicly accessible database of property information. The Property Appraiser doesn’t drive property values but merely records values set by sales in the private market.

Commissioner Gentry said that the City Charter guaranteed that USD 1 (the pre-consolidation core city) would get a laundry list of urban services; what, if anything, can the CRC do to ensure that the promise of those services is kept? Mr. Holland said no one has yet had an answer about how to deal with unfulfilled promises from the time of consolidation. Commissioner Schellenberg felt that the root problem is the process of the mayor proposing the budget and City Council tinkering with it from there; if the mayor doesn’t propose funding for some purpose then it will never get done. He proposes that the Charter be amended to have the Mayor and Council each propose their own budget and then reconcile them. The legislative branch needs to set its own priorities and not be dictated to by the mayor in the very short time frame from the budget presentation on July 15th to final adoption before September 30th. Council needs to be more vigilant in pursuing its priorities and holding the administration’s feet to the fire, which is hard to do with part-time legislators trying to oversee a full-time administration. He sees a need to look at ways to empower the legislative branch, perhaps by making the Council full time or perhaps increasing the number of council members.

In response to a question from Commissioner Baker about how many Florida counties use ranked choice voting, Mr. Holland said that only Sarasota County approved it, but the state hasn’t certified any voting systems for that method so it has not actually been implemented. Ms. Baker said that the Florida Supreme Court has ruled that the Constitution requires partisan elections for the constitutional officer positions and asked Mr. Holland his opinion of non-partisan elections in other races where it is permissible. Mr. Holland said that in his experience people know who is in what party whether there are labels or not, there’s always a way to signal it. There is no such thing as non-partisan elections if that’s what’s important to voters and they seek out that information.

Commissioner Griggs said he liked the idea of the Council-initiated budget idea, but it would be hard for a newly elected council to do it. He asked Mr. Holland about the concept of an elected (by the citizens) 4-year council president. Mr. Holland said doesn’t favor that idea because it would be an extremely powerful position that wouldn’t need to build the collegiality with the body that currently happens with annual elections. If the powers that be in the community got their choice elected for both mayor and city council president, they’d rule the city pretty much unilaterally. He feels the Council should decide its leadership annually.

Commissioner McCoy said that quick research on the Ballotpedia web site shows 7 states have implemented ranked choice voting, and 5 others have authorized it but not implemented. Only Maine appears to be doing statewide ranked choice voting.

Commissioner Mills said she wants to see a “Marshall Plan” to truly tackle the problems that parts of the city face. The promises need to be kept with regard to public services, schools, amenities, etc. She would like to see a report on the trends in property values in the urban core. Mr. Holland said he would be happy to do research based on Council District and other geographic areas. It’s up to the City Council to adjust the budget or raise the millage rate to implement their priorities if it’s something they really want, regardless of what the mayor proposes, but they have to have the will to do it.

Campaign Finance

Paige Johnston said that Chapter 106 of the *Florida Statutes* regulates campaign financing, which is a state power. Section 1.202 of the City Charter does say that the Ethics Commission can deal with “campaign ethics”. Ms. Johnston read into the record a statement from City Ethics Director Carla Miller which said that the Florida Election Code does allow localities to adopt local election regulations that don’t conflict with state law (Sec. 100.3605, *F.S.)* and noted that Ordinance Code Chapter 350 does just that. Ms. Miller offered to assist in referring anyone interested to information sources on the subject and noted that some legislation was proposed after the last Charter Revision Commission. The Ethics Commission has discussed potential Ordinance Code changes. Ms. Miller will appear before the CRC in September.

Public Comment

John Nooney – ethics have been gutted in the city since the last CRC. He is concerned with public access to the waterways in areas where City funds are given to waterfront projects that restrict access to the general public.

Perry Waag – distributed information about ranked choice voting and said that the system saves the time and effort and voter fatigue of runoff elections. The system results in more civil campaigns and less negative attack ads because candidates want to appeal to more voters. It helps independent candidates get traction because voters don’t feel like they’re wasting a vote on a non-viable candidate. His group is prepared to circulate a petition for a referendum on ranked choice voting if the CRC doesn’t recommend it.

Future meeting dates

Sept 26, Oct 2, Oct 11, Oct 15 (would need to be in Lynwood Roberts Room), Oct 25

Future topics and speakers

Chairman Brock asked the members to please make suggestions to Carol Owens who is coordinating with the Chair to schedule speakers. Homework for next meeting is to review the list of proposed topics and suggest any additions. Mr. Brock will group the suggestions into broad topic areas (i.e. Office of General Counsel, balance of power between the legislative and executive branches) with specific sub-topics to be ranked and studied. Then commissioners will read the Charter and locate places where changes in the various topic areas need to be recommended. It will help to start narrowing broad topics into specific recommendations for specific changes in the Charter.

Commissioner Gentry – the September 13 agenda is pretty aggressive with Jason Fischer, Kimberly Daniels and School Board Chair Barbara Hershey – may want to separate them. Is the strong mayor system working well or should CRC be considering a system with enhanced checks and balances? That’s a fundamental question that deserves more discussion and some expert commentary. Mr. Brock cautioned against getting caught up in hot topics of the day, and said there needs to be concern with broad solutions for the long term.

Commissioner Schellenberg – the strong mayor form gives the mayor excessive power to bulldoze the legislative branch. The CRC has heard testimony from previous mayors, who naturally will be supportive of the strong mayor form. The Sept. 6 meeting is overloaded with too many speakers, all of whom will have great information to share and will generate lots of question that will take considerable time.

Commissioner Gentry – consolidation and the strong mayor form are not the same thing and shouldn’t be confused; consolidation was driven largely by trying to root out corruption and the positives and negatives of annexation. He believes that Jacksonville is lagging compared to many other Florida cities in many ways (crime, schools, quality of life, etc.). The group needs to hear testimony from other than former mayors and administrators who have a particular viewpoint. They may need to question the whole premise of consolidation and not take that as a given. Mr. Brock said there are positives and negatives to the current system, but any fundamental change is going to have to recognize the practicalities of the situation – without 10 council members voting to take action, nothing will result from the CRC’s work.

Commissioner Griggs said some people flourish in Jacksonville under the current system, but not everyone. Lots of people are left behind and the CRC needs to see what can be done about promoting equity and investment citywide.

Commissioner Baker wants to add a topic for independent authorities to have to get City Council approval for large contracts or sale of some threshold amount of authority assets to give the council more connection with and control over the activities of those authorities.

Commissioner Schellenberg said the CRC should be concerned about what changes will make the city government more responsive to the citizens and tell the public what those things are. The CRC shouldn’t be afraid to take on big issues and make recommendations that may be hard to implement, but are necessary.

Commissioner Denton said that Jacksonville suffers from enduring structural racism that plays out in many forms, including our crime rate and school quality. Not sure how that relates to the Charter, but that’s the root of the problem.

**Meeting adjourned:** 11:47 a.m.

Minutes: Jeff Clements, Council Research Division

Jeffc@coj.net 904-255-5137

9.11.19 Posted 5:00 p.m.