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**CHARTER REVISION COMMISSION MEETING MINUTES
Council Chambers, 1st floor, City Hall**

**September 13, 2019
9:00 a.m.**

In attendance: Commissioners Lindsey Brock (Chair), Jessica Baker, Ann-Marie Knight, Emily Lisska, Celestine Mills, Betzy Santiago, Nelson McCoy, Matt Schellenberg, William Gentry, Frank Denton, Nick Howland, Heidi Jameson

Excused: Commissioners Chris Hagan, Charles Griggs

Also: Paige Johnston – Office of General Counsel; Cheryl Brown – Council Secretary/Director; Anthony Baltiero – Council Research Division; Carol Owens, Melanie Wilkes, and Jessica Smith – Legislative Services Division; William Coffee – City Council Support Services

Guest Speakers: Jason Fischer – Chair, Duval Delegation; Dr. Diana L. Greene – Superintendent of DCPS; Lori Hershey – School Board Chair

Meeting Convened: 9:09 a.m.

Call to Order – Chairman Brock called the meeting to order at 9:09 a.m.

Approval of Minutes – The meeting minutes from the August 29th and September 6th meetings were both approved as distributed.

Remarks from the Chair – Chairman Brock invited Chris Hand to briefly speak about the 50th anniversary edition of the book “A Quiet Revolution”. Mr. Hand passed out the books to each of the Commissioners. Mr. Hand provided a brief explanation of some of the additions to the original and will be back at the next Commission meeting to discuss the book and answer questions in more depth. Chairman Brock provided a breakdown of the “issues and speakers” sheet that was handed out to the Commission and said that he will continue to gather focus topics and have the Commission rank the focus issues into a list of 3 to 5 issues in upcoming meetings. Chairman Brock provided clarification on the letter received from Aaron Zahn of JEA at the previous meeting. Chairman Brock explained that the nature of his original letter could have caused confusion and that he will send a more focused letter to Mr. Zahn asking specifically for information about the working relationship of JEA and the City of Jacksonville.

Review OGC Memos on Commissioner Questions – Paige Johnston (OGC) provided clarification on the memos that were circulated regarding the ability to waive provisions of the Charter of the City of Jacksonville. Ms. Johnston will return at a future meeting with additional information about the ability to waive Charter provisions and particularly with information about the 1885 Constitution and the 1934 Amendment. Chairman Brock asked Ms. Johnston if she could create a PowerPoint presentation to better illustrate the information. Ms. Johnston will return at a future meeting to present the requested information.

Updates from Commissioners – Chairman Brock asked commissioners to provide any updates in regard to focus issues, guest speakers, and any additional updates:

- Matt Schellenberg: Mr. Schellenberg recognized CM Dennis and CM Carlucci and asked Chairman Brock if they could speak specifically about the “J” bill and the School Board referendum issue.
- Chairman Brock: Mr. Brock agreed to allowing the visiting Council Members a chance to speak following Jason Fischer’s presentation.
- Celestine Mills: Ms. Mills mentioned that the previous “Blueprint for Success” talked about having the independent authorities come together for meetings and that the practice should already be in place. She also shared concerns about the Commission’s work being taken seriously.
- Chairman Brock: Mr. Brock agrees and stated that one of the issues on “issue sheet” discusses creating a mechanism in the Charter to put into action the recommendations of the Charter Revision Commission. Mr. Brock provided information about the Council’s legislation on becoming a part of the strategic planning efforts.
- W.C. Gentry: Mr. Gentry suggested looking at the appointment process for the Charter Revision Commission stating that appointments from the various stakeholder agencies (Independent Authorities, Judicial System) would make the recommendations more substantial. Mr. Gentry also suggested coming up with a mechanism within the Charter to make a multiyear strategic plan that transcends multiple Councils/Administrations.
- Chairman Brock: Mr. Brock agrees with Mr. Gentry and suggests that the Commission could possibly use the current legislation regarding strategic planning as some sort of Charter revision mechanism.

Presentation by Rep. Jason Fischer – Rep. Fischer talked about different aspects of the Charter and provided a few suggestions on areas to change and focus on. Mr. Fischer asked the Commission to think about whether or not Jacksonville is consolidated enough noting that there are multiple municipalities within the consolidated government. He urged the Commission to think of the Charter as a governance document and not a policy document, and to keep the Charter concise and hard to change. He urged the Commission to review the Charter to make multiple considerations, including making enumerated powers clear and concise, making it harder to raise taxes or fees, changing municipal elections to coincide with the gubernatorial or presidential elections, and school board term limits. Mr. Fischer noted that the process for appointing the General Counsel is very elitist and described the current process. He suggested having a panel of stakeholders served by the General Counsel as the selection panel for the position. Mr. Fischer talked about his proposed “J” bill, focusing on the inclusion of an elected school superintendent. He talked about going door-to-door in his district to get input about the elected superintendent issue. Chairman Brock opened up the floor for questions:

- Nelson McCoy: Mr. McCoy asked if it should be made difficult to lower taxes to match making it difficult to raise taxes? If you have an elected school superintendent, does it matter if the school board is elected or appointed?

- Mr. Fischer: Mr. Fischer believes that it should be the opposite and that lowering taxes should be made easier. In regard to the school superintendent, the “J” bill would be for an elected school board and an elected school superintendent.
- Celestine Mills: Ms. Mills asked about the area that Mr. Fischer went to for his door-to-door data gathering. She then referenced the fact that in the 1950s under an elected school superintendent, Ish Brant, Jacksonville lost its school accreditation and asked what would be different now if the City had an elected school superintendent.
- Mr. Fischer: Mr. Fischer explained that he started by knocking on doors in his neighborhood but plans to extend the effort to go from Mandarin to San Marco. In regard to an elected school superintendent, Mr. Fischer stated that he simply is providing some options to be considered and that times are very different now. He also spoke about how finances shouldn’t play a role in an elected school superintendent, providing an example from his own campaign stating that he was outspent 3 to 1 but won because of “shoe leather {hitting the streets, knocking on doors}”.
- Matt Schellenberg: Mr. Schellenberg asked Mr. Fischer to explain how an elected school superintendent works stating that having one makes an appointed school board almost pointless.
- Mr. Fischer: Mr. Fischer noted that there are 41 other school boards with elected school superintendents and that calling them useless is a bit offensive. Mr. Fischer compared having an elected school superintendent to a “Strong Mayor” form of government.
- Matt Schellenberg: Mr. Schellenberg suggested creating a poll and using that data to determine the support for having an elected school superintendent noting that people tend to learn toward the positive in a door-to-door situation. He then asked if Mr. Fischer thinks term limits are good.
- Mr. Fischer: Mr. Fischer thinks that term limits are a good idea and has recommended it as changes to the FL Constitution and provided examples of politicians with term limits. He believes in governing by what his constituents think and not governing by polls.
- Nick Howland: Would an 8th elected at large school board member be beneficial and improve accountability?
- Mr. Fischer: It is possibly beneficial. I didn’t include it in my “J” bill, but it is something that you could definitely consider. Also, be mindful of creating policies that don’t seem like they are going after one particular person.
- W.C. Gentry: Mr. Gentry provided examples of different school board compositions and stated that the top school boards in FL have an appointed school superintendent. Mr. Gentry also talked about the importance of people being able to make choices and asked if it is most important to have elected school board members.
- Mr. Fischer: Mr. Fischer disagrees and provided examples of why he thinks it is important to have school board members and the superintendent elected.
- W.C. Gentry: When crafting your “J” bill, did you go through OGC and did you discuss the issue of having an elected school superintendent when the FL Constitution says that it has to be an appointed position?
- Mr. Fischer: We did go through OGC because the Duval Delegation is part of the consolidated government. We discussed the superintendent issue and noted that Jacksonville has a unique ability to form its government differently than the FL Constitution dictates. Mr. Fischer provided examples of how Jacksonville operates differently noting that the City Council dictates the school board members’ salaries while everywhere else in FL it is done at the state level.

- W.C. Gentry: Based on those conversations with the OGC, does the Jacksonville Charter supersede the FL Constitution, particularly Article 9?
- Mr. Fischer: No. Based on the discussions, because of Article 8, Section 9, the Constitution gives the Charter the ability to form its own government in Jacksonville, So it is a provision in the FL constitution. Where it conflicts, you go with the Charter.
- Frank Denton: You mentioned having a panel of stakeholders be the mechanism for selecting a new General Counsel, but with so many independent authorities and agencies, how could that practically happen? What would that look like?
- Mr. Fischer: Mr. Fischer explained the current process and said that it would be up to the Commission to decide who would be on the panel, but he would go for a mix of elected and appointed heads of the biggest agencies and authorities.
- Frank Denton: Do you see any need to change the structure or powers of the General Counsel?
- Mr. Fischer: It depends on the level of consolidation. If Jacksonville is truly consolidated, you need to have a General Counsel with their current powers to keep agencies from suing each other. The question is how consolidated we want Jacksonville to be.
- Emily Lisska: You mentioned that a body should be able to pick its own leader, but the “J” bill that you proposed goes against that with having an elected school superintendent. Could you clarify?
- Mr. Fischer: I meant that a deliberative body should have the right to choose their leaders, such as the City Council.
- Emily Lisska: So, you wouldn’t have an appointed school superintendent?
- Mr. Fischer: The school board is fundamentally different. The board acts as the legislative branch and the superintendent is the executive branch based on their functions. That’s why it is different.
- Celestine Mills: Ms. Mills provided comments about the areas of Jacksonville that were left behind following consolidation and asked if Mr. Fischer had any plans on expanding his door-to-door efforts outside of his district and into the aforementioned areas?
- Mr. Fischer: Mr. Fischer provided comments the areas of Jacksonville left behind following consolidation and offered to walk and knock on door with Ms. Mills in her neighborhood.
- Jessica Baker: Do you feel that an elected school superintendent would be more accountable to the people than an appointed superintendent?
- Mr. Fischer: I do. It would provide a check and balance, and to Ms. Mills’ point, it could help the areas of Jacksonville left behind post-consolidation because an appointed school superintendent has not changed things in those areas for decades.
- W.C. Gentry: Mr. Gentry provided examples of concerns about an elected school superintendent noting that a school system as large as DCPS will need a CEO type of person with vast experience which you might not get in an elected format. Would you consider adding minimum requirements to be able to run for school superintendent to alleviate these types of concerns?
- Mr. Fischer: I believe in solutions. The FL Statutes do outline some qualifications for school superintendent. I fear that if you require a terminal degree in education, or something like that, that it will become too elitist. Mr. Fischer provided multiple examples of superintendents and educational leaders that don’t have terminal education degrees. I’m interested in some criteria for the position, but the position of superintendent goes beyond education and needs to be more of a CEO type of position.

Chairman Brock invited CM Dennis and CM Carlucci to come up to the podium to speak. He asked if they could be brief and that if they, or any other CMs, wanted to speak at future meetings to get in touch with him and legislative services so that they can be given more time.

- CM Carlucci: I want to defer and let Dr. Greene and Ms. Hershey speak first. I'll wait until public comment to speak.
- CM Dennis: I'll wait until public comment to speak as well.

Presentation by Dr. Greene & Lori Hershey – School Superintendent Greene and School Board Chair Lori Hershey presented a joint presentation covering multiple areas regarding the work that DCPS conducts. They provided multiple statistics about the students that they serve, educational improvements, and areas that need improvement. Ms. Hershey mentioned that she has not heard any support in her district for anything other than an appointed school superintendent. Ms. Hershey provided several recommendations for Charter revisions, including Section 13.06 – specifically to align the language of the Charter with the current State Statutes; Section 13.09 – mentions that the DCSB is exempt from using some central service departments of the city and due to the specialization of educational law, we would like to include the OGC as another department that the DCSB is exempt from being required to use; Section 7.01, paragraph 2 – The language doesn't allow for a clear path to settle disputes between branches of elected government; Section 7.03 – Change language regarding the selection of the General Counsel; Section 13.02 – keep the language the same to keep the DCSB an elected body; Section 13.07 – keep the language the same to keep the superintendent an appointed position appointed by the DCSB. Chairman Brock opened up the floor for questions:

- Nick Howland: How will these recommendations help to empirically better our school system? Particularly about School Board Member salaries?
- Ms. Hershey: School board salaries are set by the state, not the City. I'm not sure how to answer that. This seems more like a question of whether or not the Charter supersedes the FL Constitution.
- Nick Howland: Do you think the other recommendations involving the OGC and school board selection process will have an empirically beneficial effect on our school system?
- Ms. Hershey: I believe that is not always beneficial to have the same attorney represent disputing bodies. For example, you don't often get the same attorney representing spouses in a divorce trial. In our recent experience, it is clear that we need another mechanism to resolve internal disputes. I also believe that it is beneficial for bodies to be able to choose their own leadership. I believe that having an 8th at-large school board member is a moot point because of open enrollment.
- Nelson McCoy: What does it mean by "choice", when you say that the school district is 100% choice?
- Ms. Hershey: Also, the state of Florida is 100% choice. Ms. Hershey stated that this means that if a person wanted to send their child to a school in Miami, and there was a spot open, and you could get them there every day, you could send your child to that school in Miami. Basically, the idea is that you are not bound by your zip code with access to schools.
- Matt Schellenberg: I agree with you and I have also not found anyone that wants an elected school superintendent. Mr. Schellenberg commented on Dr. Greene's stellar reputation. Should we include the City Council members in the discussion about school issues since they receive many communications from constituents about these issues?
- Ms. Hershey: I think that would be a good idea. I think it is important for us all to develop positive working relationships.

- Matt Schellenberg: Can you talk about the differences between for-profit and non-profit charter schools? Are their differences in success?
- Ms. Hershey: The state allows for-profit charters and that is why they are here. All the schools in my district are A and B schools, so both for-profit and non-profit charter schools in my area reflect those grades. {to Dr. Greene} Is there a difference between for-profit and non-profit charter school success rates?
- Dr. Greene: There isn't a difference in Jacksonville between for-profit and non-profit charter school success rates. Both sets of charter schools tend to reflect the grades of the traditional schools in their area.
- Jessica Baker: What are the district-wide reading and math proficiencies? Do reading proficiencies coincide with school grades (A, B, C, D, F)? Do we need change regarding an elected superintendent?
- Dr. Greene: Dr. Greene talked about how district-wide proficiencies are calculated and noted that it is done by the district as a whole and it doesn't necessarily coincide with individual school ratings. Dr. Greene offered a website that shows each individual school's proficiency levels.
- Jessica Baker: With seeking independent counsel, there are steep costs that can be accrued when agencies sue each other. Is this the best use of taxpayer dollars that could be used for the children?
- Ms. Hershey: Our recommendation was not about specifically suing other agencies; it was about settling disputes and when you have a single firm representing both sides of the dispute there's not a clear path in the Charter to resolve the dispute, specifically with elected bodies. To date DCPS has not incurred any legal fees and if we do, they won't be paid with taxpayer dollars.
- Chairman Brock: When creating your five-year strategic plan, is there input from other agencies in the consolidated government, specifically the Council and Administration?
- Dr. Greene: The creation of the strategic plan is the school board's job. My job is to implement the plan. The board works with the community to develop that strategic plan.
- Chairman Brock: Are the current school board salaries in line with the state statutes?
- Ms. Hershey: They are, but the current Charter language conflicts with the FL Constitution language and that is why we recommend changing the Charter language to reflect the Constitution.
- Chairman Brock: Is the school board going to wait on the second opinion of the Attorney General regarding the General Counsel's binding opinion regarding the half-cent sales tax referendum before taking further action?
- Ms. Hershey: At this time, I don't know the answer to that question. The request for an opinion was expedited on August 13th {2019} and we have yet to receive a response.
- Celestine Mills: Ms. Mills asked Dr. Greene to give her definition of "choice schools" and how it relates to the district.
- Dr. Greene: What Ms. Hershey shared with you is the correct definition of choice schools. We do have policy that dictates how that choice works. We have a choice expo where we showcase the different school options that parents have. If they request a choice other than their designated school, they can list their top choices and if a seat is available, their child can attend that school. If the top choice is not, then we can go down the list.

- Celestine Mills: Regarding incentive pay for teachers, do the teachers have to stay at the school for a particular amount of time after receiving the incentive pay?
- Dr. Greene: Yes, there are criteria for agreeing to stay at a certain school for an incentive. Dr. Greene talked about other incentive programs for teachers working at the 21 high risk schools. The low performing school incentive is a state program.
- W.C. Gentry: How much does it roughly cost the district each month that it doesn't go through with repairing and renovating these schools?
- Dr. Greene: It costs about \$500,000 a month.
- W.C. Gentry: Would the cost of a special election be borne by the school district?
- Dr. Green: Yes.
- W.C. Gentry: So, the school board would pay for the election and save the net cost of about \$5,000,000 within a year by getting the referendum on the ballot?
- Dr. Greene: That is correct.
- W.C. Gentry: Regarding the Teach for America program that puts teachers into high needs schools, has the issue been addressed that these schools would be better served with highly experienced teachers?
- Dr. Greene: Yes. That issue has been addressed in the new TFA contract and they can't be placed in the persistently struggling schools.
- Matt Schellenberg: Would you like to comment on the Florida Education Commissioner's harsh comments about the DCPS?
- Dr. Greene: The commissioner and I are on very good terms today. The issue was that we differed on opinions regarding charter schools. Ms. Greene briefly explained the dispute.
- Chairman Brock: We only have five minutes left. Mr. Brock asked Ms. Hershey to introduce the School Board members that were present in the crowd.

Ms. Hershey introduced the school board members present in the crowd. Following this, Chairman Brock apologized and stated that they were going to have to withhold from having public comments at this meeting because of the hard stop at 12:00p.m. and adjourned the meeting. Commissioner Gentry wanted to include the public comments into the meeting. Mr. Brock explained that the meeting had to be adjourned at 12:00p.m. to avoid violating Sunshine Laws. Paige Johnston (OGC) provided additional clarification explaining the Sunshine Laws, the hard stop of a meeting, and what can and cannot be done following the meeting.

Chairman Brock ended the meeting and stated that the next meeting is September 20th in Council Chambers.

Meeting adjourned: 11:55 a.m.

Minutes: Anthony James Baltiero, Council Research Division
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 9.17.19 Posted 3:00 p.m.