



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

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

**September 26, 2019
9:00 a.m.**

In attendance: Commissioners Lindsey Brock (Chair), Jessica Baker, Frank Denton, Charles Griggs, Chris Hagen, Heidi Jameson, Ann-Marie Knight, Emily Lisska, Celestine Mills, Betzy Santiago, Matt Schellenberg, Ronald Swanson

Excused: Commissioners W.C. Gentry, Nick Howland

Also: Paige Johnston – Office of General Counsel; Jeff Clements and Anthony Baltiero – Council Research Division; Carol Owens – Legislative Services Division; Steve Cassada and Will Coffee – Council Staff Services

Meeting Convened: 9:04 a.m.

Approval of Minutes

The minutes of the meeting of September 20, 2019 were **approved unanimously as distributed.**

Remarks from the Chair

Chairman Brock noted that the City Council at their meeting last night withdrew the two resolutions that would have removed him from the chairmanship of and membership on the Charter Revision Commission (CRC).

Retired Judge Ronald Swanson introduced himself as the newest member of the commission.

Mr. Brock announced that the October 9th tentative public hearing date did not work due to several conflicts and suggested October 17th as an alternate date. The group agreed on the 17th for a public forum at the Main Library downtown, with three members indicating they could not be present that night.

Mr. Brock asked the members to please review the collected topics list in order to rank the broad theme topics (probably 3), which will have numerous individual suggested topics grouped under them. Committees will be appointed to delve into the individual topics in some detail beginning in November, with the full commission meeting once a month to hear updates from the committees on their work and

findings. The final report of the commission is due in March 2020 and recommendations can be approved along the way as committees complete their investigations and make recommendations. Commissioner Denton suggested that three broad topics may be insufficient and cause too many unrelated sub-topics to be grouped together to reach an arbitrary limit of three.

Commissioner Griggs asked about the format of the public hearing – a listening session for the commission or an opportunity for the commission to discuss and debate topics with attendees? Chairman Brock said his intention is for the commission to primarily listen to public input and possibly ask clarifying questions.

Commissioner Schellenberg stated that he had recently heard a presentation by Shands Jacksonville medical center CEO Dr. Leon Haley presentation to the JAXUSA Partnership about Shands' operation of the City's hospital and its role in providing indigent care. He suggested having Dr. Haley make a presentation to the CRC. Mr. Schellenberg suggested that the committees to be appointed also hold town hall meetings on specific topics to get public input.

Commissioner Lisska expressed concern with some of the groupings of topics on the potential discussion list, feeling that some important topics may not fall under the umbrella of the three main prioritized topics. She advocated for giving attention to other discrete items in another way, perhaps outside the committee structure.

Public Comments

Billee Bussard said that lobbying groups for non-governmental schools were very strong in Australia and recommended that the state of Australian schools be studied before the commission makes any recommendations regarding charter schools. She presented a set of notes she had collected when she wrote for the newspaper about the forces that support private charter schools and about Rep. Jason Fischer's ties to the charter school industry.

John Nooney said that the commission needs to help make the City Charter great again. He advocated for the commission reciting the Pledge of Allegiance as a regular part of the commission's agenda at the start of each meeting and proposed a Charter amendment requiring the Pledge to be said at the beginning of every meeting of a public body.

Tax Collector Jim Overton

Mr. Overton is a former City Council member and Property Appraiser and was elected to fill a partial term as Tax Collector before winning a full term of his own. He said that the City Charter made all of the constitutional officer positions elected positions in part because the Florida Constitution provides that the 5 offices shall be elected. Volusia, Broward, Miami-Dade and Jacksonville are the only four counties where the Tax Collector's budget is submitted to the county governing body (budget counties) for approval in addition to the Florida Department of Revenue – the rest of the counties operate on a fee basis (fee counties) with a budget approved solely by the FDOR. His office charges a 1% cost of collection fee compared to the 2% cost in fee counties, which collect the 2% fee on everything they collect, then rebate to taxing authorities any excess after their expenses are paid. Mr. Overton said that very little of what his office does is controlled by the City Charter or Ordinance Code because they are really governed by the Florida Statutes as they perform so many state functions. His office uses City central services (OGC, computers, payroll, human resources, etc.). Sometimes that service is provided very slowly because so many other agencies are also using those services; in other counties the constitutional officers are free to solicit bids and get work done on their own authority. He has some complaint with using a part-time OGC attorney who is also assigned to the Property Appraiser and does litigation as well. He thinks a term limit of 8 years is too little for the Tax Collector. Orange County has a 16 year limit, and most counties have no term limits. He questions whether term limits are legal under state law.

Commissioner Schellenberg asked Mr. Overton if he had any opinion on ranked choice voting. He said he did not, having very little knowledge of how it worked.

Commissioner Schellenberg said the Supervisor of Elections is losing numerous polling places due to religious issues with churches not wanting to host precincts any more and asked Mr. Overton's opinion of moving to total online voting. He said he thought it would be a good method if you could deal with the inherent security issues to everyone's satisfaction.

Commissioner Schellenberg asked if there are areas of consolidation that he feels aren't working well. Mr. Overton said that other counties produce a better level of service than what Jacksonville does. Mr. Schellenberg asked Mr. Overton to send the CRC suggestions for what could be improved. Mr. Overton noted that former Tax Collector Mike Hogan had tried to convert Jacksonville to a "fee county" when he was in office but the General Counsel said no, the office had to present its budget to the Mayor and Council because it was part of the consolidated government.

Commissioner Griggs said the office of Tax Collector seems like a catch-all for everything that involves payment of money to the City. Mr. Overton agreed, saying that his offices collect almost all revenues paid to the City, plus payments for state functions like drivers licenses, vehicle tags, fishing licenses, etc. Commissioner Griggs asked what would happen if an agency didn't need the Tax Collector to collect its payments any more. Mr. Overton said his office would reduce staff accordingly to meet the reduced demand. He said that privatization of JEA wouldn't have any impact on his office's operations because they collect very little of JEA's payments (accepting their bills as a courtesy to customers), but losing drivers license and vehicle tag transactions would have a huge impact. He said the Tax Collector costs less than 1% to handle transactions and will cost even less when more things transfer to the internet.

Commissioner Denton noted that almost everything in the Charter regarding the Tax Collector cites state law, with the only local exception being term limits. Mr. Overton said the other thing that is local is the fee vs. budget office decision which is not in the Charter but is *de facto* how it's done because of historical precedent and an OGC opinion by Rick Mullaney. He feels the constitutional officers in Jax are less autonomous than both constitutional officers in other counties and also less autonomous than the independent authorities. Mr. Overton said the City hires lots of good people and then loses them to higher paying jobs after they've gained some experience; his office experiences a nearly 20% turnover rate per year.

Commissioner Swanson asked how the Tax Collector deals with the situation if they have an issue and can't get needed OGC assistance in a timely manner. Mr. Overton said he relies on the power of persuasion with the attorney and their supervisor. Mr. Swanson asked about the counties where each constitutional officer has their own attorney and to whom they report. Mr. Overton said they report to the elected official (Tax Collector) not to the county attorney. The problem was much larger when he was Property Appraiser, who gets sued much more frequently than the Tax Collector. The delay in legal service provision has an effect moreso with level of service to citizens than with cost of operations.

Commissioner Hagen asked Mr. Overton his opinion of different variations of a 16 year term limit for constitutional officers. Mr. Overton said is philosophically opposed to term limits, but given that they exist, he thinks 2 year terms would be too short. He feels an eight year limit is too short for a City Council member – 12 years would be better. He believes City Council terms should be staggered so that half of the body would be up for election every two years. He believes the election date should be changed to the fall so that new council members would take office in January and have a chance to get their feet on the ground before they have to tackle the budget in July. He thinks a 19 member council is too large and was done for political reasons; preferably it should be 9 or 11 members. He noted that the City Council's standing committees don't make final decisions like the Florida Legislature's committees – they can't kill a bill, so it's just a place for preliminary debate before the full council debate ensues. In response to a

question from Mr. Hagen about the sufficiency of OGC staffing levels, Mr. Overton said the OGC has the same problem as the rest of City government – good people are hired and do good work, but then get hired away for higher salaries in other organizations.

Commissioner Griggs asked about the challenges of the City Council's size and structure and what changes he might recommend. Mr. Overton said that serving on the Council is a tremendous responsibility and frequently takes a toll on the members' private businesses if they spend endless hours at City Hall. He recommended a smaller council paid the state's full county commissioner salary as a full time job, or alternatively, paying council members nothing any get a different class of people doing the job who can afford to do it purely out of a sense of civic responsibility. In response to a follow-up question about what an 11 member council would look like and who might be helped or hurt by a smaller membership, Mr. Overton said that consolidation has not been good for many older neighborhoods because the government devotes so many resources to serving new growth, not old underserved areas. Nine or 11 council members would be stronger individually because there are fewer of them, but the strong mayor form of government makes the city council secondary to the mayor anyway. The budget is too big and complicated for the average part-time citizen legislator to really understand or impact in the budget process, so the administration will always have an advantage.

Chairman Brock asked for clarification of the 2% fee and how the rebates work. Mr. Overton said the rebates go back proportionally to the taxing authorities who paid the collection fees. In response to a follow-up question about whether Jacksonville could have hybrid system that works the same as fee basis with rebates but done locally rather than through FDOR, Mr. Overton said it would cost the City more than the \$7 million it currently budgets for the Tax Collector, so there's not likely to be any interest.

Mr. Brock asked about the General Counsel assigning some agencies dedicated attorneys from OGC to serve their needs while still being under the supervision of the General Counsel. Mr. Overton said that system would provide fair representation if everyone had an attorney and the General Counsel was the final arbiter of disputes among the various agencies.

Sheriff Mike Williams

Sheriff Williams said that there is not much in the Charter about the Sheriff other than the basics and he doesn't have a lot of concerns, so didn't have a presentation to make and preferred to field questions from the commissioners.

In response to a question from Commissioner Mills asked how the body camera initiative is working, the Sheriff said it is working well after Legislature passed a law dealing with privacy issues and the public records law implications of having video shot of people with whom the police interact who are not accused of any crime (bystanders, crime victims, etc.). He said the department did considerable research in advance and examined camera policies around the country, union contract implications, etc. The JSO's system is modeled on that of the Los Angeles Police Department, which had a very complete camera policy. Body cameras will be issued to all uniformed officers by the end of this year, and they will be work whenever the officer is in uniform. Implementation and annual operating costs have come in under budget. The system is working well thus far, but there is still a lot to learn through experience with State Attorney about how to use the video in prosecuting cases.

Sheriff Williams said he strongly believes in community engagement. His officers stay where they're assigned for a long time unless they request a transfer elsewhere. He cited the ShAdCo (Sheriff's Advisory Councils), Coffee with a Cop, Neighborhood Watch, and others as initiatives aimed at developing personal relationships between officers and citizens to build confidence in the Sheriff's Office. He noted that the department is doing a cooperative program with Bethune-Cookman University to train officers on community engagement and how to reach out to communities.

Commissioner Griggs asked why there is no citizen participation in the department's Disciplinary Hearing Board. Sheriff Williams said that employees have several options for dealing with disciplinary issues, and the Disciplinary Hearing Board is an appeal board to challenge disciplinary actions if the employee opts to go that way. They usually go to the Civil Service Board which is completely comprised of appointed citizens. In response to a question from Mr. Griggs about where a citizen who has a problem with an officer's conduct should go and whether that is codified in the Charter or the Ordinance Code, the Sheriff said the department's Internal Affairs Division would be the place to start. He noted that there is an Officer's Bill of rights in the Florida Statutes that keeps officer discipline confidential until the end of the process, so citizens can't really get involved until then. He said the JSO has an officer-involved shooting web page that posts all possible public info within the law so as to be transparent to citizens throughout the process from beginning to end. Mr. Griggs opined that people don't trust a process when they can't find out anything until it's all over.

Commissioner Schellenberg asked for the Sheriff's opinion on an appointed vs. elected sheriff. Sheriff Williams said he favors an elected position. Appointed police chiefs frequently get fired when there's a community crisis and mayors need to be seen to be taking action. The average tenure for appointed police chiefs nationally is only 3 years. In response to a question from Mr. Schellenberg about term limits, the Sheriff said he approves of term limits but thinks more than 8 years in office could be justified, possibly 12 years in the form of three 4-year terms or two 6-year terms. The job is huge and complicated and it takes a long time for even an experienced officer to get a handle on all the duties, but he felt 12 years should be the maximum tenure. Mr. Schellenberg asked why the JSO has its own information technology department and doesn't use the City's IT Division. Sheriff Williams said that partly it is because of state and federal laws regarding crime data security and sharing with other law enforcement agencies which the City's IT division can't accommodate. He did say the City's computer security measures are improving. In response to a question about how the change from a defined benefit to a defined contribution pension plan affected the department, the Sheriff said he's seen no negative impact from going to the DC plan, and the department isn't losing officers to adjoining counties any more. Attrition was up last year, but that's a national trend in law enforcement. Employee salaries are up since the pension reform of several years ago and that's kept the department competitive for employees.

Commissioner Knight said the job of the community is to help the JSO to not be so busy. The CRC has talked a lot about communities left behind, unfulfilled promises, etc. and she asked what can the CRC recommend that would help. Sheriff Williams said that Jacksonville is not better or worse than other cities with regard to its crime problems. Overall crime is down over the past few years, but killings are up. A small number of people drive that violent crime and much of it is senseless – overreaction to perceived disrespect and revenge violence. JSO is doing both prevention and intervention and needs the community's support in both areas such as with prisoner re-entry, youth activities, community improvement, etc. Ms. Knight asked if fulfilling the unfulfilled promises of consolidation would help the situation. Sheriff Williams said it absolutely would; better community circumstances and opportunities lead to different and better choices by individuals.

Commissioner Swanson asked if jurisdictional issues between JSO and the 3 Beaches cities are problematic and if changes are needed. The Sheriff said Jacksonville is much better off in that regard than many South Florida counties, having only the 3 Beaches and the Duval County School Police rather than 25 or 35 small cities. He doesn't see any problems day-to-day with JSO's relationship to the Beaches departments and knows that the Beaches are dealing with issues among themselves, which seems to be dependent on the chiefs involved at the time. The Beaches residents like the small departments and the personal touch they get from their police departments so they would likely have no interest in giving that up and being incorporated into a countywide police department. He has no problem with the current

situation if everyone is willing to be cooperative and deal with jurisdictional issues, so he sees no need for Charter changes in that regard.

Commissioner Baker asked about the JSO's partnership with State Attorney and Mayor. The Sheriff said he has great relationship with both and with City Council. He has to justify budget requests for what he needs, but gets lots of support when they do ask. He said much joint work is being done by JSO and State Attorney. In response to a question from Ms. Baker about anything that could go in the Charter to require or strengthen the relationship among those parties, the Sheriff said their work is so interconnected that formal codification is not really necessary. When there are problems they tend to be personality issues more than structural.

Commissioner Denton noted the discussion of the Task Force on Consolidated Government about strategic planning as an issue and wondered if a mandated joint planning process would be helpful. Sheriff Williams said it probably would be. He cited the 2004 Matrix consultant study of JSO and said that was a great process that produced good, actionable data. The department has hired the International Association of Chiefs of Police to do a similar checkup of efficiency, best practices, staffing levels, etc., which he believes should be done every 5-7 years to give everyone confidence that the JSO is doing the right things and is properly staffed. This kind of study is not mandated of the department, but is a "best practice."

Commissioner Mills congratulated the Sheriff on the Bethune-Cookman workshop; she has heard it was very successful. She also thanked him for being committed to community involvement.

Commissioner Griggs asked if the JSO is involved in long-term strategic planning with local partners in the same way that the Community Health Improvement Plan convenes a variety of partners in the health area. Sheriff Williams said the department is engaged in multiple partnerships but not part of a formal long-term planning process. In response to a question from Griggs about ways for citizens to suggest policies, programs, etc. to JSO, the Sheriff said there is no formal process or mechanism, but the zone commanders and the Sheriff are available and willing to hear ideas and suggestions from citizens.

Commissioner Baker asked for more details on 2014 Matrix and 2019 IACP studies, whether they are operational audits looking for efficiencies or are intended to make recommendations on broader policy issues. The Sheriff said the IACP will be looking at both. They will interview the Mayor, police agencies in surrounding counties, community leaders, etc. and bring new ideas to the table if there's something JSO is not doing, although he believes there's not much in the world of law enforcement that JSO isn't doing. He thinks a thorough departmental study every 5-7 years would be a good practice.

Chairman Brock asked the CRC staff to send the City Council's recently adopted strategic plan and information about the planning process to the Sheriff. In response to a question from Mr. Brock about how much the JSO interacts with the General Counsel's Office? Sheriff Williams said it happens a lot. He has talked with General Counsel Jason Gabriel about having a dedicated JSO attorney to replace the department's legal advisor (a police officer who also held a law degree) who retired, but the department's needs are so varied that one attorney might not be able to handle everything. He sees the need for an OGC liaison to coordinate service needs with lots of attorneys. The State Attorney has a legal advisor always on call for JSO. He believes the JSO is probably the only sheriff's office in the state that doesn't have its own dedicated attorney. Chairman Brock said he was surprised in his review of the Charter to find that it does not contain a specific reference to the Sheriff's enforcement power for local ordinances. The Sheriff said that addition could be a good clean-up.

Commissioner Swanson asked about school and student safety provided by the Duval County Public Schools and how well that structure is working. Sheriff Williams said he sees the process moving in the

right direction but would like to see a sworn police officer (not a guardian or school safety assistant) in every school both for safety and as a mentor and communicator with young people. The JSO trains the school district's school guardians and saw that the School Board could not get good enough candidates to fill the positions because the pay was so low. He does not favor arming teachers. In response to a follow up question from Mr. Swanson about whether he would prefer DCPS or JSO to handle school safety, the Sheriff said that in a perfect world they would all be sworn officers working for the JSO.

Commissioner Updates and Discussion

Commissioner Schellenberg said he would have staff send a copy of the Shands Jacksonville presentation he referenced earlier to all commissioners for future discussion.

Commissioner Jameson asked about the process for choosing who gets invited to fill the limited slots in the last few preparatory meetings. Chairman Brock said he has been trying to invite everyone on the list of suggestions made by the commissioners to date. He's been especially trying to schedule speakers who have broad perspective (i.e. former council member, Council President, Chair of the Task Force on Consolidated Government and DIA Executive Director Lori Boyer). Sherry McGill and Audrey Moran are on the agenda for October 2, but the October 11th agenda is currently open; he would like to hear from the independent authorities on the subject of strategic planning. Commissioner Jameson said she would like to see the invitation list ahead of time to be able to prepare questions for the speakers. Chairman Brock said he will have it sent out.

Commissioner Knight asked about the item on the suggestion list regarding Health Department dedicated funding. Commissioner Griggs said it was an idea triggered by wording he found in the Charter about the Health Department. He thinks CRC should also look at defunct boards and commissions in the Charter to see if those sections need removing.

Commissioner Knight said she wants to pursue the urban core investment authority idea and thinks that single bullet items on the topic list needs fleshing out with additional topics and cross-references to other related topics. Chairman Brock asked that the topic list be sent out to commissioners again and that they refine the list by adding additional bullet items, drawing connections from one topic to another, etc.

Commissioner Schellenberg said that the public hospitals in Tampa and Miami have dedicated funding sources while Shands Jax doesn't. He encouraged the Chair to invite Shands Jacksonville CEO Dr. Leon Haley as soon as possible and to schedule him first on the agenda due to his extremely busy schedule. Carol Owens, Chief of Legislative Services, state that Dr. Haley is already booked for the October 2nd meeting. Commissioner Schellenberg suggested that some topics that get scrubbed from the list or ranked low at the beginning of the process might come back ranked higher later in the process. Commissioner Griggs said that Chapter 154 of the Florida Statutes provides for the creation of county health care special districts with millage levy authority for indigent care; Jax is the one county that doesn't have such a trust fund. He said that Jacksonville also doesn't fund its county Health Department to the same level that other counties do.

Commissioner Swanson expressed interest in structures and best practices for school safety and wondered if that is something that the CRC could address. He sees a need to hear additional testimony on the subject. Chairman Brock wondered how the DCPS Police Department came to exist – via the Ordinance Code, Charter, state law? Paige Johnston will investigate.

Commissioner Hagan felt that streamlining government should be a topic, either as a bullet point or as an overarching theme. He is also interested in exploring City economic development incentives and whether something needs to be in the Charter in that regard. Brock has asked Daniel Davis, President of the Chamber of Commerce, to attend a future meeting.

Commissioner Baker recommended adding the Sheriff's thoughts about a regular 5-7 year departmental review as a topic.

Commissioner Santiago noted that Supervisor of Elections Mike Hogan said he didn't have any suggestions to offer to the commission, but asked if he can be re-invited to answer questions. Chairman Brock se he will be re-invited to appear. Commissioner Jameson asked if there was a blanket re-invitation to previous invitees who declined to appear. Carol Owens said that re-invitations only went out to the independent authorities, not the constitutional officers.

Public Comment

John Nooney said he was threatened with seizure of his kayak at the 2014 OneSpark event. The river downtown is under federal jurisdiction and he believes the CRC should be hearing testimony about that. He noted that the long-awaited Emerald Trail project is finally getting underway. He cited Ordinance 2017-1 –E regarding trespass in public parks and questioned the impact on public access to parks. He recommended that the Charter be amended to require the Community Redevelopment Areas and the Downtown Investment Authority to provide public access to waterways in all their projects.

Claire Goforth, a reporter writing a story on the CRC process for JaxLookout.com, said she would like to get contact information from CRC several members that she doesn't already have and asked them to meet with her at the conclusion of the meeting.

Chairman Brock thanked Carol Owens, the Chief of Legislative Services, for her years of dedicated service to the City and most recently to the Charter Revision Commission as she completes her last meeting and retires tomorrow. Ms. Owens introduced Jessica Matthews, the new Chief, who is her successor.

Meeting adjourned: 11:43 a.m.

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