



OFFICE OF THE CITY COUNCIL RESEARCH DIVISION

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

**October 25, 2019
9:00 a.m.**

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

Excused: Commissioners Chris Hagan and Nelson McCoy

Also: Paige Johnston – Office of General Counsel; Anthony Baltiero – Council Research Division; Jessica Matthews and Jessica Smith – Legislative Services Division; Will Coffee and Steve Cassada – Council Staff Services

Meeting Convened: 9:06 a.m.

Approval of Minutes

The minutes of the meetings of October 15 and 17, 2019 were **approved unanimously as distributed**.

Public Comment

Cindy Pearson urged the Commission to amend the Charter to provide for a school board elected by districts and for the appointment of the most qualified school superintendent that can be found. She said the trend among large public school systems is to appoint the superintendent and that's the best way to find the best qualified person. The expense of running a campaign for school superintendent severely limits the pool of candidates and makes them beholden to special interests that fund campaigns.

John Nooney advocated for reciting the Pledge of Allegiance at the beginning of all public meetings. He advocated for putting the Council on Elder Affairs in the City Charter as a permanent body. He said that Ordinance 2019-698-E will have unintended consequences.

Chairman Brock noted that courts have previously ruled that public entities cannot require the Pledge of Allegiance to be said at public meetings because that would infringe on the rights of persons who have religious grounds for not saying the pledge.

Remarks from the Chair – Procedures for Ranking Priorities

Commissioner Gentry raised an objection to the Chair's proposal to limit commissioners to 2 minutes of comment during the discussion process due to the importance of the process of generating the final list of study topics. Chairman Brock agreed to extend the time period within reason to ensure that everyone gets a fair opportunity to speak.

The commission was in recess from 9:18 to 9:27 a.m. awaiting the arrival of a commissioner.

Chairman Brock said that Commissioner McCoy was excused from the meeting due to family obligations, but he would be sending in his priority list via email.

Mr. Brock referenced the list of proposed topics and noted that the bullet points under the main headings are not limiting, but are examples of topics that could be expanded with additional relevant issues.

Assistant General Counsel Paige Johnston provided information on the question raised at a previous meeting about a Florida Supreme Court case regarding partisan elections, specifically dealing with county constitutional officers. She said the Office of General Counsel has reviewed the case and determined that it would not preclude the Charter Revision Commission from considering and potentially recommending a charter amendment dealing with non-partisan elections, but noted that such an amendment would need to be approved by the Florida Legislature as a change to the City Charter.

Commissioner Jameson asked for clarification of who proposed what topics on the distributed list. Chairman Brock explained the process by which the list was compiled by staff from the minutes of previous meetings and compiled by him into topic areas, including the suggestions made by citizens at the town hall meeting. Commissioner Gentry said that he was responsible for compiling the sub-bullet points regarding the powers and selection of the General Counsel from all of the comments the commission had heard about the General Counsel.

Commissioner Griggs suggested that Topic D – Dedicated funding for the Health Department – should be clarified to reference services mandated by Chapter 154, *Florida Statutes*, which covers both public health services and indigent care.

Commissioner Schellenberg asked that he be marked as present on the minutes of the CRC meeting of October 17th approved earlier. Chairman Brock approved the correction.

Commissioner Mills asked if there was any update about requesting or mandating that action be taken on the CRC's recommendations by the City Council. Chairman Brock said that is a bullet point to be considered as a recommendation.

Chairman Brock described the major topics and bullet lists of associated issues. He discussed the ranking procedure, asking the commissioners to use the legal pads at their places to list numbers from 1 to 9 down the margin, to list the 9 topics in their preferred rank order, and to sign the sheet before submitting.

Commissioner Gentry said that he sees multiple topics that overlap and that could be merged into a single topic.

Motion (Gentry): merge topics A and H into a single topic –

Commissioner Lisska objected to making motions and taking votes before the commissioners have had a chance to have their 2 minutes as previously announced to advocate for or against particular topics or groupings. Commissioner Santiago recommended doing the ranking process first and seeing the results

before considering merging topics. Commissioner Baker suggested moving the bullet “Assessing the function of OGC including possibly implementing staggered terms for the GC” from Topic A to Topic B – Office of General Counsel.

Motion (Baker): amend the Gentry motion to move the bullet point “Assessing the function of OGC including possibly implementing staggered terms for the GC” from Topic A to Topic B – Office of General Counsel –

Commissioner Knight echoed Commissioner Lisska’s request to allow the commissioners to discuss their priorities before taking votes to move items from one topic area to another. Commissioner Baker disagreed, feeling that assembling the bullet points into a fixed set of topics on the front end would make the ranking process easier and lessen the possibility of wanting to change the rankings if bullet points are regrouped later.

Commissioner Gentry withdrew his motion.

Motion (Baker): move the bullet point “Assessing the function of OGC including possibly implementing staggered terms for the GC” from Topic A to Topic B – Office of General Counsel – **approved unanimously**.

The commissioners agreed to the voting procedure proposed earlier, each member ranking topics A through I on individual sheets and submitting them for tabulation. Chairman Brock said that the decision to work on 3 versus 4 topics in subcommittees will depend on the size and complexity of the top 4 ranked topics. In response to a question from Commissioner Griggs, Mr. Brock said that there may well be multiple recommendations coming out of each of the subcommittees on each topic. Commissioner Griggs asked about the opportunity to propose additional issues and recommendations later in the subcommittee process. Chairman Brock suggested that additional items be proposed to the appropriate subcommittee for consideration. Commissioner Griggs asked that the public be given additional opportunities throughout the CRC process to propose additional topics and recommendations that have not been proposed yet. Mr. Brock said that there will be public comment opportunities at committee and full commission meetings, and another town hall meeting will be held toward the end of the process. Commissioner Mills urged the commissioners to remember that they are representing all of the citizens of Jacksonville and their actions should reflect everyone’s concerns.

Commissioner Discussion

Topics for discussion:

A – Preserving institutional knowledge in public officials

B – Office of General Counsel

C – Revive urban services district

D – Dedicated funding for public health services (mandated by Chapter 154, *Florida Statutes*)

E – Duval County School Board

F – Ethics

G – City-wide strategic planning

H – Government structure

I – State uniform judicial system

Chair's added items: Charter Revision Commission; assessing defunct authorities; clean-ups and "one-offs"; remove Hospital Authority from the Charter.

Commissioner Howland advocated for topics G, E, B and C in that order. He recommended revising Topic A to be more about elections and Topic H to be more about government structure rather than combining the two. That would include moving the "Non-partisan elections" bullet from H to A as an election issue.

Commissioner Lisska felt that every topic and every bullet point on the list should get at least some attention, however brief, by one of the committees. She recommended the appointment of 2 committees and collapsing all of the listed topic areas into those 2 committees: Government Structure, Citywide Strategic Planning, and Charter Cleanups. She recommended collapsing topics A, B, E (substantive items), F and H into a Government Structure Committee; C, D and G into a Citywide Strategic Planning Committee; and assigning E (clean-up items), I and Chair's Items to a body (perhaps a third committee or an ad hoc group led by the Chairman) for cleanup recommendations.

Commissioner Swanson agreed that Topic I could be moved to the cleanup category. He noted that he was appointed well after the commission's work had started and said his prioritizations would be informed by the comments of the other commissioners who heard the presentations he missed.

Commissioner Jameson found merit in Ms. Lisska's suggestion of fewer committees that give at least some attention to every recommendation made thus far. She agreed with combining all election-related bullet points into a single topic and noted that there is overlap between Topics C, G and H regarding fulfilling the promises of consolidation and infrastructure. She also agreed with moving Topic I under the cleanup category.

Chairman Brock noted that the listing of some bullet points in multiple topics was intentional by the group since they were considered important topics that needed recommendations regardless of which topic areas were ranked highest for detailed study.

Commissioner Denton emphasized Topic C as critically important to the city's future and his top priority, and felt that A, G and H could potentially be combined into a single committee. His third priority would be Topic B, given the recent proliferation of requests by agencies to hire independent counsel.

Commissioner Knight agreed with the earlier comments on issue overlap and the need to represent the entire community. She ranked a combination of Topics C and D as her top priority, followed by a grouping of the themes under Topics A, F and G, and noted that there will be considerable overlap between the committees.

Commissioner Gentry said his top priority is Topic G which would ensure continuity and increase chances of long-term success; he recommended Topic B as the second priority, followed by Topic C. He also suggested that several items from the list of Chair's items (requiring action on CRC recommendations and cleaning up outdated Charter language) are also important. He believes that there are fairly simple fixes that could be recommended to eliminate inconsistencies between the Charter and state law with regard to Jacksonville's interpretation of its elements of statewide systems (particularly the courts and the school district).

In response to a question from Commissioner Santiago about whether the CRC ought to be involved or not in studying items currently under litigation (specifically the relationship between the School Board and the Office of General Counsel), Chairman Brock reiterated his belief that they should be left to the courts and the Duval Legislative Delegation to resolve. In response to another question from Ms. Santiago, Mr. Brock explained how he planned to poll the commissioners about their committee preferences once the topic areas are determined and make appointments of members and chairs over the weekend, to be communicated to the membership next week.

Commissioner Griggs said his priority is to assess how fairly the Charter has treated everyone in the city, so his top priority is Topic C, followed by Topics F, D, B and the requirement for future CRC recommendations to be acted upon.

Commissioner Baker recommended Topic G as her top priority because it can be all-encompassing of many issues, followed by Topic H and Topic I. She thinks that I needs to be explored for the ramifications of making changes in Article XII of the Charter, which may be more than just a mere “clean-up”. She noted that the Task Force on Consolidated Government spent a great deal of time studying and making recommendations on revisions concerning the Office of General Counsel, many of which were implemented, so there may not be much that needs to be done in that area.

Commissioner Mills prioritized Topic E as the most serious need in the community, followed by Topic G. She said there is so much more to do in the field of education than just the issues currently in litigation with the City and School Board and Rep. Fischer’s J-bill, so that should be considered.

Commissioner Schellenberg stated that his top priority is Topic H because government structure determines outcomes. He felt that the Government in the Sunshine Law made the strong mayor even stronger since its adoption because any idea that council members may want to consider is known to the mayor before they can act. He advocated for giving district council members discretionary funds for their districts (subject to approval by the full council) to deal with priorities not being addressed by the mayor. That would change the dynamics of the budgetary process substantially and give the council enough clout to enforce its priorities.

Commissioner Jameson asked for clarification of what “unmet promises of consolidation” means – does it mean infrastructure, budgetary decisions, other?

Commissioner Santiago said her top priority would be Topic G, followed by A and H (split into election-related and non-election-related topics as discussed earlier), and then C.

Chairman Brock relinquished the Chair to Vice Chair Knight and said that Topic I is not a mere clean-up matter; he believes the City Charter was written as it was in 1968 to purposefully incorporate state entities into the Charter as part of the consolidated government. He will take on the task of researching the history of that topic. He said that, while there may be education-related topics that are separate from the ongoing litigation, he has not yet sensed any unified opinions on the part of the commission about education topics. He is intrigued by Commissioner Lisska’s suggestion early in the meeting to collapse the 9 topic areas into three larger topics, although he believes the Office of General Counsel should remain a stand-alone topic because of its importance.

Commissioner Swanson asked for clarification about the issues in question regarding Topic I about referencing the state’s uniform judicial system. Chairman Brock cited two lawsuits (*Cook v. City of Jacksonville* and *Telli v. Broward County*) in which the Florida Supreme Court first ruled that local governments could not impose term limits on constitutional officers, then 10 years later reversed itself and ruled that they could under local government charters. Commissioner Gentry said that Topic I is important because there are those in the community who have the mistaken notion that Jacksonville’s charter somehow envelops and preempts any provision of the Florida Constitution regarding a uniform state court system. The whole purpose of Article V was to create a uniform statewide system and a local preemption over certain aspects of the courts flies in the face of the express purpose of that article. He said there are several places where the City Charter directly contradicts state law, so something needs to be done to resolve the conflicts, either now or in the future. Commissioner Griggs said that Topic I seems to be a complex legal question that is beyond the capacity of the CRC to affect, and suggested that the topic either be abandoned or perhaps left to the lawyers on the commission to explore the nuances of constitutional law.

Commissioner Baker expressed hesitance about combining all 9 topics into only 3 committees because of the workload that will entail for those committees to research and make recommendations on numerous

sub-topics. She recommended that the commissioners all rank the topics by their individual priority and that the top ranked 4 or 5 be divided among the three committees so as to ensure that the most important topics get the most time and attention.

Commissioner Howland asked if the subcommittees can consider issues beyond the specific bullet points listed at the time the committees are created. Chairman Brock said they could. Mr. Howland said that there are a lot of education topics that might be considered that don't touch on litigation-related issues. He believes an education committee would hear many suggestions from the community about ways to improve the city's educational system. Commissioner Griggs said he doesn't see much opportunity for the CRC to suggest charter changes that would impact the school system, other than those items listed in the bullet points, and that a more effective way to implement change may be through the School Board rather than independent of them. Commissioner Gentry said there are numerous ways the City could impact on the school system via areas like funding for after-school programs, student health care, and the like.

Commissioner Jameson asked about the priority recommendations of Commissioners McCoy and Hagan who are absent from the meeting. Chairman Brock said that both had sent in their priority preferences via email.

Motion (Lisska): the CRC shall form 3 committees – Government Structure (incorporating Topics H, A, B, E and F); Citywide Strategic Planning (incorporating Topics G, C and D); and a third committee to be chaired by Chairman Brock to cover clean-ups and any remaining topics –

Commissioner Baker felt that two committees will be overwhelmed by the volume of work for multiple topics and argued that since two commissioners had sent in their rankings of the 9 topics, the rest of the commissioners should do the same. Commissioner Gentry said that if only two committees are to be appointed, then the commission might as well continue acting as a whole. He believes that priorities need to be set and the top issues explored while the lowest ranked are eliminated to make the best use of everyone's time. Commissioner Denton agreed that consolidating 5 topics into one committee would constitute an overload and recommended dividing those between 2 committees. Commissioner Jameson recommended letting all the commissioners rank their priorities as the 2 absent commissioners have done via email.

The Lisska motion failed 2-10

The commissioners proceeded to rank the 9 topics on individual signed pages. The papers were collected and the results tabulated. The cumulative rankings were as follows:

G - 22 votes (lower number indicates higher priority)

C - 33 votes

H – 49 votes

A – 50 votes

B – 54 votes

D – 61 votes

F – 70 votes

E – 74 votes

I – 90 votes

Chairman Brock asked the commissioners to email their preference for committee assignment to Jessica Matthews by tomorrow who will provide them the Chair to appoint the committees and chairs over the weekend to be announced on Monday.

Motion (Denton): merge Topics G and C into one committee, merge Topics H and A into one committee, and make Topic B a committee –

Motion (Gentry): amend the Denton motion to appoint 4 committees rather than 3 (Topic C, Topic G, combined Topics H and A, and Topic B) –

Commissioner Baker felt that 4 committees would probably require some members to serve on multiple committees which could impose quite a time burden if the committees meet very frequently.

Commissioners Knight and Mills agreed with Mr. Gentry's proposal because of the importance of keeping the urban core revitalization issue the sole topic of a committee. Commissioner Swanson felt that three committees was appropriate, understanding that the committees have the authority to broaden their scope and consider other issues relevant to their main topic.

Commissioner Gentry withdrew his amendment and proposed another amendment.

Motion (Gentry): amend the Denton amendment to maintain Topics G and C as separate committees and merge Topics H and A into third committee –

Commissioner Denton opposed the Gentry amendment because it would eliminate Topic B (General Counsel issues) from being a top issue guaranteed to be discussed by a committee; he believes the topic is too important to leave as an afterthought for one of the other committees to possibly take up or not.

The Gentry motion was approved 9-3.

The Lisska motion as amended by the Gentry amendment was approved 10-2.

Motion (Gentry): add a fourth committee comprising Topic B –

Commissioner Swanson suggested rolling Topic B into the H and A Committee but observed that 4 rather than 3 committees would increase the workload on members serving on multiple committees.

Commissioner Denton advocated for Topic B having a committee because it is a crucial issue. He suggested that Topics G and C could be merged. Commissioner Jameson felt that 4 committees would be unworkable given the desire to also have a full commission meeting monthly. Commissioner Griggs advocated for a fourth committee because of the importance of General Counsel issues being discussed. Commissioner Baker opposed having a fourth committee; another committee or perhaps a committee of the whole can deal with Topic B. Commissioner Gentry suggested that 4 committees could have 3 members rather than 3 committees having 4 members. Chairman Brock noted that staff has expressed concerns about the workload that a fourth committee would entail.

The Gentry motion failed 6-6

Mr. Brock asked the members to email their committee preferences to staff for him to consider in making appointments.

Public Comment

John Nooney commended the commission on prioritizing strategic planning as a top issue. He advocated for a Charter amendment to require that future projects supported by DIA or Community Redevelopment Area funding must provide public access to waterways. He also requested that the School Board and Armory properties be developed with kayak launches.

Billee Bussard said that the failure to scrutinize the Office of General Counsel will allow the City to remain dysfunctional on many levels. She hoped that the topic would be rolled into one of the three committees.

Chairman Brock thanked the commissioners for their hard work to date. He asked the members to please notify the commission staff of their calendar unavailability for meeting dates through March 2020 so that committee and full commission meetings can be scheduled.

Meeting adjourned: 12:31 p.m.

Minutes: Jeff Clements, Council Research Division

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Posted 10.29.19 5:30 p.m.