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RESEARCH DIVISION**

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

**November 22, 2019
9:00 a.m.**

In attendance: Commissioners Lindsey Brock (Chair), Jessica Baker, Frank Denton, Charles Griggs, Nick Hagan, Nick Howland, Heidi Jameson, Emily Lisska, Betzy Santiago, Matt Schellenberg, Ronald Swanson

Excused: Commissioners Ann-Marie Knight and W.C. Gentry

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

Meeting Convened: 9:01 a.m.

Approval of Minutes

The minutes of the meetings of October 25, 2019 were approved unanimously as drafted.

Public Comment

John Nooney recited the Pledge of Allegiance. He lamented the lack of a court reporter to provide a transcript of the commission's proceedings. He urged the commission to mandate that the Pledge of Allegiance be recited at the beginning of all public meetings. He presented several public meeting agendas that do and do not contain the Pledge of Allegiance as an order of business.

Remarks from the Chair – Timelines and Charter revisions

Chairman Brock thanked the committees for their ongoing work. His goal is to have all the subcommittees report their final recommendations by the Charter Revision Commission meeting of February 28, 2020. The final report will be drafted by the Council Research Division and circulated by the Chair thereafter. He noted that there have been some quorum issues in the subcommittee meetings. Paige Johnston of the Office of General Counsel said that the quorum requirement is 3 members physically present at the meeting to conduct business. Participation by telephone is permitted, but those members do not count toward the quorum and cannot vote. Without a quorum there cannot be an official meeting, so any discussion that takes place without a quorum takes the form of a member noticed

meeting, not an official committee meeting. She urged that care be taken in scheduling to ensure that at least three members are physically present at all meetings.

Mr. Brock reported that he has been working on several “one-off” items:

- 1) Removal of the Hospital Authority from the charter
- 2) He has looked at charter revision commissions in other jurisdictions to get ideas for how to include a charter revision commission provision in the charter to mandate action on all of the recommendations. A draft will be provided at the December meeting.

In response to a question from Commissioner Swanson about what the Chair expects in the way of reports from the committees, Mr. Brock said 1) draft language for changes to insert or remove from the Charter; and 2) reasoning for the need for the change – evidence, testimony, etc. Mr. Swanson asked how many of the multiple bullet points assigned to his committee should be investigated and reports made, and how to deal with the bullets that are lesser priorities that the committee doesn’t have the time or interest to explore. Chairman Brock left it to the discretion of the subcommittees to prioritize and report on what they feel is most important, expecting that there won’t be more than two or three recommendations per committee, and perhaps only one multi-faceted issue. A brief description of why issues were not tackled would be helpful to inform the public about the Commission’s work. Commissioner Schellenberg asked what percentage vote would be required of the full commission to adopt a recommendation – a simple majority or a super-majority? The Chair said he hoped to obtain broad consensus on issues, but would resort to a simple majority vote if it comes to that.

Subcommittee Reports

Urban Core: Commissioner Griggs reported on the subcommittee’s work. The committee has adopted a goal statement and will look at 2 issues: 1) creation of an urban core investment authority, and 2) the fulfillment of the unfulfilled promise of consolidation. Historical data and reports are being gathered and reviewed and numerous guest speakers have made presentations. The committee will compare historical and present infrastructure and socio-economic conditions to identify service gaps and areas of disparity. An “equity atlas” is being considered as a vehicle for describing differences among communities. Commissioner Schellenberg noted that an Urban Core Economic Development Forum was held this week that could be a source of information and Jennifer Fey of the Brookings Institution who spoke at the forum could be a source of information about what other communities are doing in this area. He suggested that the Urban Core Committee narrow its focus and concentrate on fewer rather than more topics. In response to a question from the Chair about identifying an urban core area on which to concentrate, Mr. Griggs said that no decision has been made but he suspects that it will be either Health Zone 1 or the former USD 1 or something very similar. They have talked briefly about potential funding but have not explored that topic in depth. Presenters to the committee have made suggestions about funding sources.

Government Structure: Commissioner Swanson said that the committee has heard from Lori Boyer and Chris Hand who made suggestions about what might be possible and feasible. Additional speakers have been scheduled for future meetings and he is confident that the committee can meet the February 28th reporting deadline. Changing election dates seems to be an issue ripe for a recommendation. Commissioner McCoy added that balancing the powers of the strong mayor and the City Council is another issue that has cropped up regularly in the discussions.

Strategic Planning and Preserving Institutional Knowledge: Commissioner Santiago said that three meetings have been held and they have heard from Lori Boyer, Chris Hand and Aaron Bowman. Several current and former City employees have been invited to future meetings (Joey Greive, Dawn Lockhart, Sam Mousa). The committee has discussed the structure and operations of a strategic planning committee,

appointment mechanisms, size of the group, how often a plan should be reviewed/amended, implementation strategies, financing, staff, etc. A big portion of the discussion has been about whether the strategic plan committee should be comprised wholly or primarily government representatives or should also include private and non-profit sector representatives. A suggestion was made to use a new mayor's transition team work as a basis for making or changing the strategic plan. Jacksonville's bicentennial is in 2022 and Commissioner Lisska suggested that might be a good strategic plan kickoff date. Strategic plans don't seem to be common in local governments, but a few have them. Pinellas County has a strategic plan and the committee is exploring options to have them participate in a meeting via Skype or conference call to share their experience.

The committee has discussed the tensions between making a strategic plan too broad versus too narrow, and allowing some change as political administrations change versus keeping the original plan mostly intact. Commissioner Jameson asked how long the strategic plan timeframes are in the jurisdictions that have them. Ms. Santiago said from her research they seem to be permanent plans, with reviews every 5 years or so. The committee has talked about whether reviews and changes should coincide with changes in political administrations or should come midway through electoral terms so that there is continuity through mayoral changes. Chairman Brock asked if consideration has been given to linking strategic plans to the budgeting and legislative processes. Ms. Santiago said it has, but there are issues that need to be worked out regarding the government/private sector balance in making the plan and about potential Sunshine Law issues with regard to government employees/officials being the strategic plan commissioners and the impact that may have on their ability to work with each other day to day on the same issues.

Ms. Santiago said the committee is concerned about the need to have top elected and appointed officials be the strategic plan commissioners to give the plan the needed buy-in and respect, but balanced with the realization that they will be the hardest people to schedule for numerous meetings. The committee does not want to allow the official members to appoint delegates to attend in their stead, but enforcing that may be difficult. Commissioner Schellenberg said that Sunshine Law considerations would not apply to department officials. Chairman Brock said that if department heads were appointed as members of the strategic planning commission then Sunshine regulations may apply to them. In response to a question from Commissioner Griggs, Ms. Santiago clarified that the committee has taken its task to be designing a strategic planning process, not developing the plan itself. The details of membership, terms, voting vs. advisory members, etc. can be left to top city leadership to determine when the Strategic Planning Commission is created and appointed. The committee identified dozens of persons and organizations that would be interesting and informative to hear from in crafting a strategic plan, but returned to the philosophy that they confine themselves to process, not the content of the plan. Commissioner Swanson recommended that the committee obtain advice from the Office of General Counsel about how to deal with the Sunshine Law implications of various City officials serving together as appointed members of a strategic planning commission. Commissioner Baker asked if a strategic planning commission would be a permanent standing commission or would only be created periodically for a short term, which might impact on the application of the Sunshine Law restrictions. Ms. Santiago said the committee has talked about a hybrid model, with an appointed strategic planning committee meeting on an occasional basis to revise the plan, but then having a permanent staff in place to ensure that progress is being made on the plan on a continuous basis. Paige Johnston noted that a separation of powers issue may be raised if the Charter is amended in such a way as to bind or restrict the Mayor's authority to act in some way. Commissioner Griggs felt that 5 year review of the progress of the strategic plan was not timely; he feels that a mechanism is needed for more frequent tracking of progress toward the achievement of the stated goals. Chairman Brock encouraged the committee to look at options for accountability that already exist in City government (i.e. the Council Auditor's Office).

Other Business

Commissioner Schellenberg noted that Jacksonville is unlike most cities and our strong mayor form of government gives the mayor great latitude to act as s/he sees fit. Each mayor will have their own priorities that may or may not align with an adopted strategic plan. Mr. Schellenberg said that the General Counsel is the most powerful position in the City government and needs to be dealt with by the commission. He wanted to discuss General Counsel matters in the Government Structure Committee and was told that it was not within that committee's charge and would not be discussed there. Committee Chair Swanson said that the General Counsel issue was pulled out of his committee's portfolio and made its own issue, which was then not voted in the top 3 or 4 priorities by the full commission and so is not being considered by his committee. He recommended at the committee meeting that Mr. Schellenberg bring the matter back to the full commission for further direction. Chairman Brock said his recollection was that when the full commission votes were taken, the group meant that the Government Structure Committee could take up General Counsel issues if it felt they were relevant to the committee's work. Commissioner Swanson's recollection was that General Counsel issues were specifically removed from the Government Structure portfolio and made a separate issue, therefore removing it from their jurisdiction.

The minutes of the October 25th commission meeting were printed and the Chair read several portions from the minutes relating to motions and votes on the assignment of General Counsel issues.

Commissioner Swanson said that if his committee is authorized to take up General Counsel issues and is not barred from that discussion by the vote to commission to specifically remove it from committee's list of bullet points, he is happy to take it up. Chairman Brock said that he believes the committee has the authority to deal with General Counsel issues if it finds it relevant to its work. Commissioner Swanson asked for clarification from the full commission about their intent with regard to General Counsel issues and whether his committee is authorized to address them. Commissioner Denton said that his impression was that one of the three committees could take up the topic, given that a committee solely dedicated to the General Counsel was not appointed. Commissioner Griggs felt similarly, that all of the bullet points could be grouped into one or another of the committees and no issues were ruled "off the table", so the General Counsel could be dealt with by Government Structure. Commissioner McCoy said the General Counsel issue is very important and he favors the committee taking up the topic. Commissioner Lisska agreed that the commission felt that subcommittees could take up issues relevant to their work and she never intended her vote to mean that the General Counsel topic was off the table. Commissioner Jameson said that her committee is trying to narrow down a broad committee charge and asked for clarification about where that process takes place – at the committee level or by vote of the full commission. Chairman Brock said it can be done at the committee level. Commissioner Baker felt that the General Counsel issue was specifically ranked by full commission vote outside of the top 3 issues or groups of issues assigned to committees and therefore should not be taken up by a committee. Commissioner Hagan questioned the value of the commission prioritizing and voting on issues for consideration if the committees then have the authority to discuss anything they want. He believes that trying to address too many issues means that the work of the commission will be watered down and its recommendations will be ineffective.

Commissioner Schellenberg said that there is tremendous community sentiment that the General Counsel needs to be addressed because of recent events and he believes that the work of the commission will be seen as ineffective if it doesn't deal with the topic.

Chairman Brock read a portion of the verbatim transcript of the October 25th meeting regarding the assignment of topics to the committees and stated that to the extent that topics are deemed to be relevant to the work of the committee, they can be taken up. The committee should be guided by the votes of the full commission to prioritize and assign the topics and should consider how much time it can devote to its multiple issues and produce a good report. Commissioner Swanson said that the General Counsel issue is so big and complex that, if the committee decides to go down that route, it may overwhelm the remainder of its issues. He doesn't want the committee to deviate from the will of the commission as a whole and dedicate itself to a topic that the commission ranked lower to the detriment of other issues specifically

assigned to it. He said he is uncomfortable proceeding down that path, if the committee should choose to go that way, without an indication of what the full commission wants to see done.

Commissioner Griggs said that his recollection was that the full commission created 3 committees and grouped issues for their work but did not intend to extend the prioritization of issues from the original list into the committees in a way that limits their areas of consideration. He believes that topics of importance can still be raised and addressed despite earlier votes. Commissioner Jameson said that a motion was made at the October 25th meeting to group all of the bullet points into the three committees and voted down because the commission didn't feel like all of the points could be addressed and some were more important than others as reflected by the commission's votes. Commissioner Baker agreed that the group recognized that all 9 suggested topics couldn't be given enough attention to do full justice to them and prioritized some topics over others. Commissioner McCoy asked that the committee be allowed to discuss it at the next meeting and choose whether to take up General Counsel issues and at what level. Chairman Brock noted that several votes were taken by the full commission to include General Counsel issues in one or another committee or to take it up as a stand-alone committee, and all of those votes failed, so he feels that the commission has spoken on its priorities via affirmative votes on the three committee charges. He therefore believes that the action taken at the subcommittee level to exclude discussion of General Counsel issues was a proper decision based on the commission's previous votes in grouping and assigning the topics to committees. Commissioner Lisska said that it would be a shame if the Charter Revision Commission does not take up the General Counsel issue because it's the one she hears most about from the general public.

Council Member Schellenberg asked if he could have a noticed meeting of Charter Revision Commission members to discuss the General Counsel issue outside of the commission's committee structure. Paige Johnston said that a member of a commission may hold a noticed meeting with other members of the commission to discuss an issue, but that would not constitute a committee. Commissioner Swanson asked for a definitive vote by the full commission to instruct his committee on how to proceed.

Motion (McCoy): the full commission authorizes the Government Structure Committee to take up General Counsel issues -

Commissioner Hagan asked about whether it is proper to take up this issue today since it was already voted on at a previous meeting; should the motion be to reconsider a previous vote? Paige Johnston said that the motion is valid as made. Commissioner Baker said that she is uncomfortable with the motion because the matter was previously decided and 3 commissioners are not present today to participate in what appears to be a re-prioritization vote.

Motion (Baker): allow the Government Structure Committee to determine by vote in its own discretion whether to take up General Counsel issue as germane to its work –

Commissioner Jameson agrees that the McCoy motion constitutes a re-prioritization which should not take place with commissioners absent and feels that it sets a bad precedent of requiring full commission validation of the addition of committee topics. Commissioner Hagan supports the Baker motion to leave the decision to the committee. Commissioner McCoy said the intent of his motion was to gain authorization for the committee to deal with General Counsel issues, and the Baker motion would probably allow it as well. He feels the votes on October 25th did not constitute a decision by the full commission to not discuss General Counsel issues at all. Commissioner Lisska felt that the Baker motion returns the group to the same position of uncertainty that it started from and does not give Commissioner Swanson any clarity. Commissioner Schellenberg reiterated that the General Counsel is the most important topic the commission could consider and he will continue to advocate for discussion and a recommendation. Commissioner Howland said he is inclined to allow the subcommittees to determine

their relevant issues but feels that the General Counsel topic is not a high priority for many of the commissioners, given previous votes. Commissioner Griggs felt that the subcommittee as a whole should decide what topics it takes up and not rely upon a ruling by a committee Chair or a request for ratification by the full commission to determine what can be discussed. He doesn't want to set a precedent that may stifle or delay the work of the commission. Commissioner Baker said that committees should be allowed to take up issues related to their general topic, but should not be allowed to take up any issue of any kind that does not relate to their fundamental charge.

Commissioner Jameson asked if the full commission had the authority to override a committee chair's ruling. Ms. Johnston said that her impression was that the committee chair had asked for clarity from the commission about his committee's charge. Commissioner Denton expressed support for the Baker motion to allow the committee to make the decision on relevance. Commissioner Baker said that there was consensus in the committee not to take up General Counsel issues. Commissioner McCoy said that he understood the committee to be reacting to the chair's ruling that OGC issues were not within the committee's purview and did not feel that a consensus had been reached, because he would have advocated for the committee taking up that topic.

Motion (Hagan): call the question (cease debate and immediately vote on the pending motion) -

Commissioner Griggs **withdrew his second** to the motion to call the question to allow Commissioner Swanson to speak.

Commissioner Swanson explained the rationale for his decision in the committee not to allow discussion of General Counsel issues because of his understanding that the votes of the full commission had specifically removed General Counsel issues from the committee's purview. He told the committee that Mr. Schellenberg in committee that he could raise the issue with the full commission and the chair would be directed by the commission's instructions.

Commissioner McCoy **seconded the motion to call the question.**

The vote on the motion to call the question was approved with 9 votes.

The vote on the Baker substitute was approved with 9 votes.

The motion to approve the motion as substituted by the Baker substitute was approved with 10 votes.

Commissioner Baker asked the Chair to rule that topics not listed in the full commission's top 4 priorities could not be taken up by the committees. Chairman Brock referred to the commission's minutes and transcript from the previous meeting and stated that committees should be taking up only issues that are relevant to their assigned topic.

Public Comment

Stanley Scott of the African American Economic Recovery Think Tank said that the General Counsel has too much power and needs to be reined in by a charter amendment recommended by the Charter Revision Commission.

John Nooney urged the commission to help restore the general public's confidence in City government, which has been crushed in recent years. He decried the lack of a court reporter to produce verbatim transcripts of the commission's work. He urged the commission to propose an amendment to mandate that the Pledge of Allegiance be recited at the beginning of every public meeting.

Meeting adjourned: 11:48 p.m.

Minutes: Jeff Clements, Council Research Division
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