

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CHARTER REVISION COMMISSION**

**GOVERNMENT STRUCTURE AND PRESERVING INSTITUTIONAL**

**KNOWLEDGE SUBCOMMITTEE MEETING MINUTES**

**Don Davis Room, 1st floor, City Hall**

**December 12, 2019**

**9:00 a.m.**

**In attendance:** Commissioners Ronald Swanson (Chair), Heidi Jameson, Matt Schellenberg, Nelson McCoy (arr. 9:07), Jessica Baker (arr. 9:07)

**Also**: Paige Johnston – Office of General Counsel; Jeff Clements and Anthony Baltiero – Council Research Division; Jessica Smith and Sharonda Davis – Legislative Services Division; Melanie Wilkes – Council Staff Services

**Meeting Convened**: 9:02 a.m.

Chairman Swanson convened the meeting.

Approval of Minutes

The minutes of the November 15, 2019 meeting were approved as distributed.

Discussion of General Counsel Issues

Chairman Swanson said that he had conveyed a message through Paige Johnston to General Counsel Jason Gabriel and he indicated his interest in speaking to the committee if they extend an invitation. The Chair realizes that the committee has a divergence of opinions about whether to take up General Counsel issues or not and feels that it might be better to hear from Mr. Gabriel before the committee makes a decision on whether to address the subject or not. Commissioner Schellenberg said he would reach out to the independent authorities to see how much interest they have in the Commission addressing General Counsel issues. Chairman Swanson invited suggestions for other potential invited speakers who might have perspectives and suggestions on General Counsel issues. Paige Johnston relayed her conversation with Mr. Gabriel and his interest in participating in the committee’s discussion of General Counsel issues. He is available to meet with the committee in January. Mr. Swanson said the committee is scheduled to meet on January 16 and 23, 2020 from 9 to 11 a.m. Commissioner Jameson said that the committee has a great deal of work to do with regard to its assigned task and doesn’t feel that diverging into General Counsel issues would be advisable. Commissioner Baker agreed that the committee has enough work to do with its assigned tasks. She and Commissioner Jameson agreed that it might be well to hear from Mr. Gabriel on January 23rd. Commissioner McCoy felt that, while General Counsel issues are important, the committee’s other work (size and structure of City Council, timing of elections, etc.) needs to be done first. The committee could then hear from the General Counsel in late January, but will be getting close to the end of its reporting time and may not be able to give it sufficient attention. He advocated for the committee to make decisions today about what topics will be explored so that research on those can get underway. Commissioner Schellenberg said the General Counsel is one of the two most powerful people in city government (along with the Mayor) and when the occupants of those positions decide to act in lock step, they can control the government. He thinks the community will be very disappointed in the Charter Revision Commission if it doesn’t tackle one of the largest issues facing the City.

Committee Topics

Chairman Swanson asked Commissioner Baker if she would start developing some recommendations for the committee to consider on the topic of election timing, based on the testimony the commission has already heard from previous speakers. Commissioner Jameson suggested non-partisan elections and term limits as other election-related topics that merit discussion, whether they might ultimately be possible or not given public opinion. Commissioner Baker thought that non-partisan elections are worth exploring but felt the citizens have already spoken on term limits. Commissioner Schellenberg said that important institutional knowledge is lost when elected officials leave after 8 years. He thinks that times and attitudes have changed since term limits were implemented and the public may be open to making a change. He noted that the next City Council redistricting process will be coming up in 2021 and the time may be right for reconsideration. Commissioner Baker said that institutional knowledge is preserved through long-time staff who serve many years in city government. Commissioner McCoy felt that 12 years is a more appropriate tenure for term limits and he favors suggesting that to the public as a needed change. Commissioner Schellenberg said that institutional knowledge on the part of staff is very different from knowledge on the part of elected officials and leads to the imbalance of power between the executive and legislative branches. The Chair assigned the issue of term limits to Commissioner McCoy to begin researching and developing a recommendation. Commissioner Jameson was assigned the topic of non-partisan elections. The Chair asked the committee members to present a work product on their issues in January for the committee to consider.

The committee discussed the topic of the strong mayor form of government. Commissioner McCoy suggested that the City Council needs a research staff to balance the resources available to the administration. The Chair assigned the topic of the strong mayor form to Commissioner Schellenberg, who referred to the testimony given by Mike Weinstein at an earlier full commission meeting as a good basis for recommendations in that area.

Invited Speaker – Sam Mousa

Mr. Mousa described his background with the City, from City Engineer in the 1980s to Chief Administrative Officer in the early 2000s and again from 2015 to 2019. He also spent over 20 years in the private sector as a practicing engineer, so has a combination public/private background. He asked the committee what it feels is broken and needs to be fixed in City government so that he knows what kind of advice would be useful. He prefaced his remarks by saying that he is a strong proponent of the current consolidated form of government that works well to concentrate authority and responsibility. The mayor proposes and the City Council disposes. He felt that an occasional general look at the Charter is a useful exercise, but thought that tackling specific identified problems is the best way to proceed. Chairman Swanson suggested term limits as a topic worth discussing. Mr. Mousa said that institutional knowledge largely resides in the city’s staff, many of whom work for the city for decades. He disagrees with the argument that the strong mayor form is unbalanced in favor of the mayor; the mayor can’t do much at all if the City Council doesn’t agree and authorize it. He said he saw his role as Chief Administrative Officer as following up on implementation of the mayor’s directives as approved by the Council via direction to the senior management and via them to lower level managers. The institutional knowledge resides in the lower level of management that carries over from administration to administration.

Commissioner McCoy talked about the disadvantage that City Council members face in trying to read and understand a long and complicated budget. Mr. Mousa said that council members have the Council Auditor’s staff with years of experience to advise them on budget matters, so they are not on their own. Commissioner Baker asked about the process by which the budget is produced by the Mayor’s office and the ability of council members to observe and have influence on the budget. Mr. Mousa said the budget process begins with departmental requests beginning in March and April which are compiled by the Budget Office into a draft budget document in May for consideration by the Mayor’s Office. The Budget Office requires documentation of budget requests and interviews department heads to scrutinize details. The Mayor’s Budget Review Committee takes over the process in June, reviewing the proposed budget in open, noticed meetings and questioning the department heads about the proposals for their department. Practically no one from the public or the Council attends the meetings, which are lengthy and very detail oriented. In response to a question from Ms. Baker, Mr. Mousa said that City Council members approach department heads and the CAO in the spring to advocate for particular projects and budget allocations. In response to a question from Commissioner Jameson about how the budget process works in an election year, Mr. Mousa explained that one of the mayor’s transition team members meets with the department heads immediately after the election is finalized to get an idea of what the Budget Office’s draft budget looks like for each of their operations. The new administration only has about 45 days to put its stamp on the largely prepared draft budget through the MBRC process, which is still run by the outgoing administration, but is attended by the new administration’s transition team. Typically the outgoing team defers to the incoming team on major policy decisions. The process obviously works better if the new administration’s team has people with previous City government experience who know how the process works. Commissioner Jameson asked if the budget process would work better every four years if the City elections were moved to the fall so that a new mayor and council would have 6 months to understand city government before having to deal with a budget. Mr. Mousa agreed that would make for an easier transition for those members.

Council Member Schellenberg said that a Council really needs 13 votes to get something done in order to override a mayoral veto. He asked Mr. Mousa why Jacksonville hasn’t been able to do better with its downtown development over the last 50 years, referencing the improvements in cities like Miami and Tampa. Mr. Mousa said those cities have more funding sources for projects (special assessments, special taxing districts, impact fees, higher millage rate, etc.) because Jacksonville is a much more fiscally conservative city than many others. Voters here are extremely reluctant to pay higher taxes for anything. Mr. Schellenberg said that City Council is a part-time position (although it really takes more than part-time commitment to do the job) and members can’t devote time to attending lengthy MBRC meetings. In response to a question from Mr. Schellenberg about council district-specific funds, Mr. Mousa described how district bond funds were created with one-time funding from various bond issues over the years. Mr. Schellenberg advocated for recurring district-specific funding for council members to apply to district needs. Mr. Mousa said that those might be useful for park purposes, beautification projects, and the like, but not for basic infrastructure needs (sidewalks, road paving, etc.) that should be handled by the administration. He said for some reason, some council members hold on to their district money for years and then rush to spend the funds just before an election or before they leave office.

Chairman Swanson asked about the selection process for the City Council President. Mr. Mousa explained the annual election process among the council members in May before their term begins on July 1st. There are no term limits on the presidency but the practice has been that they change each year because many members want to hold those leadership positions. He believes that the system should be left to the discretion of the Council to choose their leadership. Mr. Swanson said that a new council or council member’s priorities can’t really be included in their first budget because most of the work is done before they take office. Mr. Mousa said that a new council member can consult with the Council Auditor to learn what’s in the budget that addresses their priorities or their district and can propose amendments to the budget. Mr. Schellenberg said that while Mr. Mousa’s description of the process is correct, in practical terms a new council member is trying to acclimate to a new job and is swamped by the process, so can’t really impact the process their first year. Mr. Schellenberg said that the Sheriff’s Office funding is the largest single item in the budget and asked if there should be a mechanism for more mayoral control over that budget. Mr. Mousa explained that the Sheriff’s Office can’t move funding from one line item to another without MBRC review and City Council approval. Sometimes City Council members inject themselves into executive functions by proposing appropriations independent of mayoral review, which puts department heads in an uncomfortable position.

In response to a question from Commissioner Baker about whether changing the election dates to the fall would change the timing of the budget process (assuming the Code still provides for a July 15 introduction date and late September adoption date), Mr. Mousa said it would not change the internal process of developing and proposing the budget substantially, but would give a new mayor, council members and constitutional officers more time to learn about the budget before having to make budget decisions.

In response to a question from the Chair, Mr. Mousa reiterated that he is a proponent of the status quo with regard to the strong mayor form of government. He believes it is a good form and that it works well. He said that he has worked with 7 or 8 general counsels over his decades in City government and there has never been a time when the general counsel wasn’t accused of being too closely tied to a mayor or other official; that’s a perpetual theme. But his experience is that general counsels through the years have exercised independent judgement and have stood up to mayors and constitutional officers over the years and opposed things they wanted to do when they interpreted the Charter to not allow those things.

Mr. Mousa said he would be open to changing election dates from spring to fall but would not change term limits. He said he doesn’t know enough to have an opinion on non-partisan elections. Thinks the current Council President election process is fine. He also thinks the General Counsel selection process and powers are appropriate for a consolidated government to prevent government agencies suing each other.

Next Meeting

Chairman Swanson said that he would invite former City Council member Bill Gulliford to next week’s meeting. Commissioner Baker suggested Aundra Wallace, currently head of the JAXUSA Partnership and formerly head of the Downtown Investment Authority, as a potential speaker at a future meeting. Ms. Jameson will invite him to a January meeting. Commissioner Schellenberg advocated for considering improvements to the General Counsel selection process in order to get the best qualified person for the job, and also the potential for term limits on the general counsel. Chairman Swanson asked the committee members to be ready at the first meeting in January to present work products on their assigned tasks for discussion at the second meeting of the month. Mr. Swanson said that he is willing to take on a fifth topic beyond the four already assigned to members if one is identified; the group did not see a fifth topic needing to be addressed at present.

Public Comment

John Nooney said that term limits are useful. Ethics are gone from city government. Public trust needs to be restored. He attended the Jacksonville Waterways Commission yesterday and advocates for greater public access to waterways. Jacksonville lags in access compares to other cities. The Charter Revision Commission has tremendous power. Ordinance 2017-1-E regarding public trespass has the potential to severely restrict public access to waterways. He wants the commission to propose an amendment to require Community Redevelopment Area plans to mandate public access to waterways.

**Meeting adjourned:** 10:58 a.m.

Minutes: Jeff Clements, Council Research Division

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