

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CHARTER REVISION COMMISSION MEETING MINUTES**

**City Council Chamber, 1st floor, City Hall**

 **January 31, 2020**

**9:00 a.m.**

**In attendance:** Commissioners Lindsey Brock (Chair), Jessica Baker, Frank Denton, W.C. Gentry, Charles Griggs, Chris Hagen (arr. 11:30), Nick Howland, Heidi Jameson, Ann-Marie Knight, Emily Lisska, Celestine Mills (by telephone), Betzy Santiago (arr. 9:12), Matt Schellenberg (arr. 9:45), Ronald Swanson

**Also**: City Council Member Michael Boylan; Paige Johnston – Office of General Counsel; Jeff Clements and Anthony Baltiero – Council Research Division; Jessica Matthews, Jessica Smith, Juliette Williams and Kendra Meeks – Legislative Services Division; Steve Cassada and Melanie Wilkes – Council Staff Services

**Meeting Convened**: 9:05 a.m.

Approval of Minutes

The minutes of the meetings of December 13, 2019 were deferred until later in the meeting

Public Comment

None

Remarks from the Chair

Chairman Brock said one of the Commission’s first concerns was that there is currently no requirement for the City Council to act on Charter Revision Commission (CRC) recommendations. Another was that the CRC currently spans two Council presidencies and the group felt that wasn’t ideal. He discussed an updated “redline” draft of his proposed changes to the Charter regarding the timing and operation of the CRC: 1) the CRC would report only to Council, no longer to the Legislative Delegation as well; 2) the Council President would be required to file legislation for Council to consider the recommendations of the CRC, and the CRC’s term would sunset after action is taken; 3) move up the CRC appointment date from May to April as of 2031; 4) the Council President would appoint both the members and the Chair of the CRC, subject to Council confirmation; 5) add a definite start date for meetings to begin after the CRC is appointed; and 6) clarify that the CRC’s area of jurisdiction is government structure, not matters of policy.

Commissioner Gentry expressed concern about the wording of the last sentence in Sec. 17.103, which he thinks is very limiting of the CRC’s area of jurisdiction by the use of the words “relationship between the state and local units of government”. Mr. Brock said that’s how the Charter currently reads, but he believes a change should be recommended to broaden the CRC’s scope. The group agreed to revise the wording in the section and Mr. Brock suggested language that was approved by consensus. Commissioner Gentry suggested that it made more sense to send multiple pieces of legislation to City Council to make multiple recommendations rather than introduce one bill containing multiple subjects. Mr. Brock said that the current language offers either option to allow a choice of which is more appropriate depending on the recommendations. Mr. Gentry suggested a proposed change that would require the CRC’s recommendations to be rejected by a super-majority of council members, giving them an original presumption of correctness. He recommended changing “appointed” to “approved” by the Council regarding appointment of CRC members, to which the group agreed.

Commissioner Griggs suggested a change in the timing of action on the CRC’s recommendations by City Council to impose a deadline by which Council must act. Alternatively, there could be a provision that deactivates the CRC if Council takes no action. Chairman Brock said that as written the time requirement applies to introduction, not to final passage of the legislation. Commissioner Baker asked if it is permissible to impose a deadline for action on a legislative body. Paige Johnston of the Office of General Counsel said she didn’t believe that the Council could be bound to a deadline for action and recommended instead that the CRC express its preference for action within a reasonable time, and explained the doctrine that a current City Council cannot bind future City Councils. Mr. Brock said that raised the question of whether adding the requirement for the Council to act on the CRC’s recommendations is also valid, and Ms. Johnston said that she would consult with the constitutional law experts in the OGC and provide a response in the future. Commissioner Gentry said that the fact that the Charter requires the Council President to appoint a CRC and the Council to confirm its members discounts the argument about the inability to bind future councils. Certainly requirements to act have been and can be imposed.

Commissioner Jameson said that changing the timing of elections might result in a need for different timing for the appointment and reporting of the CRC if the goal is not to span two Council President terms. Mr. Brock said the system will work in either event. Commissioner Gentry suggested the need for a deadline for Council to act so the CRC’s recommendations don’t linger. Mr. Brock suggested that the wording be amended to require action by June 30th of the year the recommendations are submitted so the Council that receives the recommendations is the one that acts on them. There was general consensus to make that change. Chairman Brock will re-draft the section making the changes agreed to by the body today and will call a noticed meeting for anyone interested to review and finalize the changes.

Approval of Minutes

Commissioner Howland asked for an amendment of the minutes of the December 13th meeting to reflect that his absence was excused. With that amendment the minutes were **approved unanimously**.

Subcommittee Reports

Chairman Brock reminded the members that the committee recommendations are due by February 28th so that drafting of the final report can commence. He is not planning on making a formal presentation of the recommendations before the City Council or Legislative Delegation unless those bodies request such a presentation.

Urban Services District Committee

Chairwoman Knight reported that the committee held a town hall meeting last night in the Northwest area and heard many of the same topics from the attendees that the CRC has heard at previous meetings. She was struck by the comments of several of the speakers who expressed despair at the lack of reaction by the City to their area’s persistent problems, and how other areas of the city seem always to get more action in response to their needs than is seen in the Northwest area. Their feeling of powerlessness is palpable and understandable, and the CRC needs to respond to their needs. The highlight of the committee’s recommendation is the creation of an Urban Core Development Authority covering Health Zone 1, excluding the DIA’s territory. Funding recommendations will be made and the pros and cons of creating such an authority will be discussed. Commissioner Denton said he was struck at last night’s town hall meeting by the anger and frustration in the community resulting from their perception of years of neglect by the City of their concerns. Council Member Schellenberg asked which council members and state representatives represent the proposed Urban Core Authority and asked if the committee has spoken to any of those elected officials. Ms. Knight said they have not contacted the state representatives but she has attempted to contact all City Council members and has spoken with several. Commissioner Mills said that the attendees at the town hall meeting last night were very negative about their elected leadership. Mr. Schellenberg said that a champion for the urban core authority concept will be needed to strongly advocate for its creation with the City Council.

Commissioner Schellenberg said that he lobbied against designated minority access districts in the last City Council redistricting process 10 years ago because he believes they are counter-productive. Compact, homogenous districts would produce better representation of resident needs. The current system splits representation of the area among numerous council members which is inefficient and dilutes power. Commissioner Griggs disagreed with Mr. Schellenberg’s fundamental premise and said that representation by more members is better than just having a single representative for the area because more people would have a stake in its success. Commissioner Jameson asked about the committee’s decision to exclude the DIA jurisdiction from the new Urban Core Development Authority area and how the two authorities might work together. Mr. Griggs said that was a consideration and the committee hopes that there will be cooperation between the two. Commissioner Gentry said that he agreed with the concept of the new authority to focus attention on this area, but he thinks that the problems faced by the area should be of citywide concern and are not just the responsibility of few representatives elected from that part of the city. Chairman Brock said he believes such an authority would be a remedy for decades of neglect of the area, which is a failure of consolidation. He believes that recommendation has the potential to have the greatest long-range positive effect on the city of anything the CRC could do. He urged the members to meet with as many council members as possible to lobby for all of the CRC’s recommendations.

Government Structure and Preserving Institutional Knowledge

Commissioner Swanson thanked Commissioner Knight for her work and her passion on behalf of the urban core. He said his committee has arrived at three recommendations thus far and will continue looking at several other issues relating to City Council structure. He asked Commissioner Baker to present the recommendation on timing of local elections. Ms. Baker reviewed the recommendation which is to amend the Charter to move the City elections from spring to fall of the odd-numbered year between the gubernatorial and presidential elections to give newly elected officials more time to acclimate to their jobs before reviewing the annual budget and to increase voter turnout. The conversion would take place in 2031 with the council members and mayor elected in the spring of 2027 serving an additional 6 months through December 31, 2031, which will not apply to any official currently serving in office. The committee felt that the August/November schedule used by the state for the primary and general elections made the most sense since voters are used to that arrangement.

Commissioner Gentry questioned the 2031 implementation date and asked why not 2027 since no currently serving elected official would be seeking reelection to their seat by that date. Ms. Baker said that officials currently in office could be seeking another office and would not want to be subjected to opponent attack on the basis of being a “term limit violator”. She also clarified that council members currently in their first term and running for reelection to a second term in 2023 would be the ones who would have their terms extended in 2027. Commissioner Schellenberg felt that the most important factor is giving council members more control in the budget process and he believes that voters are not very concerned with members getting an additional six months in office. Mr. Griggs agreed that 2027 would be a better date, and any negative impact on candidates from an opposition campaign perspective would likely be outweighed by the benefit of having the extra time in the office.

**Motion** (Swanson): approve the subcommittee’s recommendation to move the City elections from spring to fall of the odd-numbered years between the gubernatorial and presidential elections, beginning in 2031

**Motion** (Gentry) – amend the Swanson motion to make the effective date in 2027 rather than 2031

Commissioner Jameson asked if City Council could change the date back to 2031 if that was their preference. She was informed that they could. Several members discussed the pros and cons of the earlier or later effective date and how that might change the City Council’s likelihood of approving the recommendation. Ms. Baker noted that the change of dates from spring to fall has been proposed a dozen times in the last 20 years and has never been successful. Chairman Brock said that crafting a recommendation that has a better chance of gaining Council’s approval outweighs a less than ideal starting date.

Mr. Gentry **withdrew his motion**.

Public participation: none

The Swanson motion was **approved 12-0**.

Commissioner Jameson gave an overview of a recommendation regarding non-partisan elections. She said that the committee decided not to recommend non-partisan elections because of the City’s unique unitary election system which permits voters to vote in all local elections, regardless of party affiliation, which is the usual rationale by proponents for non-partisan elections. She noted that some members of the committee felt that partisan identification is important to some voters and should be made available. Candidates can always self-identify in their campaign materials. Ms. Jameson noted that the Orange County Commission adopted a non-partisan system that was subsequently overturned by the Florida Supreme Court, which ruled that the Florida Constitution requires partisan election for constitutional officers, which includes county commissioners. She noted that Jacksonville’s consolidated government charter is unique in the state and an argument could be made that Jacksonville’s charter would not be subject to the Supreme Court ruling because the officials could be construed as municipal officers rathan than constitutional, but the committee didn’t make the recommendation for a change. Nevertheless the committee wants to provide information on the issues and why the committee chose to make no recommendation for inclusion in the CRC’s report.

Chairman Swanson reported on the committee’s discussion of ranked-choice voting and their recommendation not to make any Charter change in that regard. He explained the basics of how ranked-choice voting works and the fact that it has been used for many years in Australia and New Zealand, has been adopted in several US states, and was recently adopted by New York City for future city elections. There is a group in Jacksonville that advocates strongly for its adoption. Mr. Swanson noted that Sarasota County adopted ranked-choice voting but was told by the State Election Commission that it is not a method currently certified by the state and therefore has not been attempted there yet. Commissioner Griggs asked about the procedure at the next meeting for dealing with the committee recommendations.

Commissioner Schellenberg said that former General Counsel Rick Mullaney has said this week to several civic groups and for a television show taping that the recent JEA situation might be the biggest scandal in Jacksonville’s recent history, and he thinks the CRC ought to at least say something about the situation. He asked Council Member Michael Boylan, Chair of the City Council Future of JEA Workshops, to address the commission. Council Member Boylan thanked the CRC for all the time and effort it is investing in the CRC process. He outlined the process his workshops have taken to date to study the JEA situation, which has been rapidly changing over the past couple of months. The workshop last week focused on what changes need to be made in the JEA’s charter to ensure that a similar controversy never occurs again and that the City has greater control over what’s happening at JEA. He invited the CRC to propose any changes it thinks appropriate for his workshop to consider. He said the Office of General Counsel is compiling a chart of all the JEA charter changes that have been suggested by council members in recent weeks and what charter amendment mechanism applies to each. Two that seem to have gained some traction in the council are: 1) giving City Council several appointments to the JEA board, and 2) imposing some limitation on JEA’s authority to hire consultants, lawyers, marketing firms, etc.

Council Member Schellenberg suggested potential amendments relating to minimum qualifications of JEA board members and the potential to appoint board members residing in Nassau, St. Johns and Clay Counties where JEA has operations. He advocated for having a CRC noticed meeting to talk about potential JEA-related recommendations. Commissioner Swanson felt that it was too late in the CRC’s term and too big a task to tackle the JEA issue in the few remaining weeks. He asked Paige Johnston if the CRC could ask the City Council for an extension of its deadline; she said that since it’s an Ordinance Code requirement, it would require a City Council action to waive the deadline. Mr. Swanson said that it would be a monumental task and he opposed the CRC’s consideration of the JEA issue unless the Council adopted such a deadline waiver and specifically asked the CRC to opine on the issue. Council Member Boylan offered to introduce legislation to extend the CRC’s reporting deadline if that was the commission’s desire. Commissioner Jameson asked if potential charter changes being considered by the City Council workshop relate only to JEA or to other authorities as well. Mr. Boylan said they will likely apply to all authorities in the end. Commissioner Lisska said the JEA situation points out the balance of power issues the CRC has been discussing and hopes that an extension would be granted by the City Council and that the CRC could delve into the subject in that regard. Commissioner Denton asked what value the CRC could add to the process. Mr. Boylan said the CRC may have ideas that have not been previously proposed and that the Council would appreciate the added weight of the CRC’s support for its work on the JEA issue.

Commissioner Gentry cautioned the members that the CRC needs to get its previously approved work done first before tackling another huge issue. He is concerned that the Office of General Counsel reviewed and approved all of the JEA consultant contracts and seems to have been involved throughout the process, and felt that points to a need for the CRC to explore and opine on General Counsel issues. Chairman Brock felt that dealing with OGC issues is too big a task to take on this late in the CRC process. He suggested that the CRC could listen to the upcoming Future of JEA Workshops and could express general support in its final report for the work of the Council in the areas of JEA and the OGC without making specific recommendations. Commissioner Gentry asked that these topics be placed on the CRC agenda for the next meeting for discussion and a decision on whether the commission wants to pursue an extension from the City Council to tackle these issues.

Strategic Planning Committee

Commissioner Howland congratulated Chairwoman Santiago on a great committee process leading to today’s recommendation. The committee looked at strategic planning examples from Tulsa, OK Lexington, KY, Austin, TX, Pinellas County, FL, London, Ontario, and San Diego, CA. Almost all strategic plans started in the executive branch, often in Planning Department. Follow-up and implementation of the plans was a consistent concern. Jacksonville’s consolidated form is unique so our strategic plan and process would likely be unique. The recommendation is based heavily on what the Blueprint for Improvement II recommended with regard to strategic planning, but with some changes. The committee recommends a 9-member strategic planning commission comprising the 5 at-large city council members, the City’s Chief Administrative Officer and Chief Financial Officer (one of which would chair the group), the Sheriff and the School Superintendent. There would also be an advisory committee comprising the Beaches and Baldwin mayors, the independent authority board chairs, the President of the Chamber of Commerce (who would chair the Advisory Committee) and others as deemed appropriate. The Strategic Plan Committee would meet and revise the plan on a 10-year basis with annual progress reports made each year. 2022 is the bicentennial of the City’s founding, so the committee recommends appointing a commission in 2021 to have a plan prepared to adopt by 2022 for the bicentennial.

Commissioner Griggs said that strategic plans go stale over time so he recommended going with a 5-year term rather than 10 years. Commissioner Baker asked if the Advisory Board is permanent or does it only meet when the Strategic Plan Commission meets? Mr. Howland said it would only meet when the strategic plan commission is meeting. They will also be recommending permanent staff to oversee implementation of the plan. Commissioner Baker suggested that perhaps the Advisory Board could meet in the interim between the 10 year revisions and assist the staff in evaluating performance. Mr. Howland talked about the discussion of a longer versus shorter term for the plan and about preferable timing of doing the plan in relation to the local electoral cycle. Commissioner Gentry described the Pinellas County model with a staff collecting data and preparing the annual review. The county commission can amend the strategic plan as necessary, but once every 10 years there is a major overhaul of the plan by an appointed strategic plan commission, so the plan isn’t necessarily fixed and doesn’t go stale over time. Commissioner Schellenberg said that the world changes very rapidly, certainly faster than government reacts, so a 10-year time frame is probably too long for a plan to be still relevant. He will be interested to see who the committee proposes to serve on the two committees.

Future meetings

Chairman Brock asked staff to poll the membership for their availability in March to hold another meeting or two to wrap up the work. Staff will also circulate a calendar of all the committee meetings currently scheduled for February for everyone’s information. Commissioners Baker and Santiago recommended that the full commission meet in early March for a final wrap-up before drafting of the final report begins.

Commissioner Jameson asked if any City Council members had proposed any items to the commission; they had not.

Public Comment

John Nooney recited the Pledge of Allegiance. He lauded the presence of the court reporter. He noted that the City has many independent authorities. He urged the CRC to take testimony from the St. Johns Riverkeeper, the City’s dockmaster, Greenworks Jax and other entities with interests in waterways. He urged the CRC to recommend a charter amendment requiring the DIA and CRAs to provide for public access to waterways in any deals involving public funding.

Commissioner Gentry asked that the minutes of the last meeting be amended to reflect that his absence was excused; the Chair approved the amendment.

**Meeting adjourned:** 12:02 p.m.

Minutes: Jeff Clements, Council Research Division

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Posted 1.31.20 5:15 p.m.