

**OFFICE OF THE CITY COUNCIL**

**RESEARCH DIVISION**

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**CHARTER REVISION COMMISSION**

**GOVERNMENT STRUCTURE AND PRESERVING INSTITUTIONAL**

**KNOWLEDGE SUBCOMMITTEE MEETING MINUTES - amended**

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

**February 14, 2020**

**9:15 a.m.**

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

**Also**: Paige Johnston – Office of General Counsel; Jeff Clements and Anthony Baltiero – Council Research Division; Juliette Williams and Vonya Balogh– Legislative Services Division; Melanie Wilkes – Council Support Services

**Meeting Convened**: 9:17 a.m.

Chairman Swanson convened the meeting.

Approval of Minutes

The minutes of the committee meeting of January 30, 2020 **approved unanimously**

Non-Partisan Elections

Chairman Swanson opened discussion on the subject of a committee recommendation regarding non-partisan elections. Commissioner Jameson’s recommendation was for the committee to recommend against changing the City elections to non-partisan on the grounds that the current unitary system permits all voters to vote in all local races, so addresses the issues of voter exclusion and encouraging maximum voter turnout. The committee also felt that party affiliation is a useful item of information that some voters particularly want to know, and that a candidate’s party affiliation is already widely known whether there is an indication on the ballot or not.

A public comment period was opened - no public comment was offered.

Motion to approve the recommendation to not recommend non-partisan elections – **unanimously approved**.

Ranked-choice voting

Chairman Swanson opened discussion on the subject of a committee recommendation regarding ranked-choice voting. Mr. Swanson’s recommendation was for the committee to recommend against changing the City elections to a ranked-choice methodology on the grounds that the system is untried in Florida and may not be a permissible election system according to the Florida Secretary of State. There does not appear to be a compelling public interest in this method except on the part of a particular group that advocates for its adoption.

A public comment period was opened - no public comment was offered.

Motion to approve the recommendation not to recommend ranked-choice voting – **unanimously approved**

City Council structural issues

Former City Council member John Crescimbeni distributed the 1988 JCCI study *Local Election Process* which contained a variety of recommendations regarding City Council structure and council member terms. Term limits for City Council were approved by citizen-initiated voter referendum in 1991 after City Council failed by a 9-10 vote to approve authorizing a referendum on the subject in 1990. City Council later imposed 2-term limits on the constitutional officers by subsequent voter referendum. There was considerable push-back by the political parties on the subject of non-partisan elections because they get a percentage of the candidate filing fee under the current system. The unitary election system was proposed as an alternative and adopted in 1995. Mr. Crescimbeni said when he was on City Council he tried to push the concept of staggered council terms and it was never done because they could never determine how to start the stagger – no one wanted to be short-changed 2 years of a term. JCCI also recommended civics courses in the schools, and he thinks that’s a good idea. The at-large council seats represent an opportunity for citizens to have multiple representatives on the council. He cited the example of a district council member during his term who was substantially hampered in her work due to illness – who represents those people if their district council member is unable to do the job? The at-large members can step in and fill the gap to ensure that district needs are met.

On the subject of the size of the council Mr. Crescimbeni noted that Jacksonville is similar to Nashville and Indianapolis both in population size and council size. At-large members are important, and the City changed its at-large system to at-large with residence areas to assist with minority access issues because there were lawsuits around the US challenging the constitutionality of at-large representation with regard to a fair opportunity for minority representation. In response to a question about whether 19 is the right size for the council, he said it’s a historical artifact of trying to get consolidation approved by ensuring that there were enough seats to accommodate all of the elected officials then in office on the City Council, City Commission and County Commission. Mr. Crescimbeni advocated for the publication of election pamphlets. He introduced legislation in his first term on the council to require the Supervisor of Elections to publish short candidate-supplied statements along with the sample ballot, but it failed. Supervisor of Elections Jerry Holland did it without any prescriptive legislation when he was SOE, but it has since been discontinued. He liked it as a good way to communicate with voters and wishes it would be restored.

Commissioner Jameson asked about eliminating the at-large member and 1 district member and reducing the size of the council to 13 members. Mr. Crescimbeni said that would produce a big workload on the remaining members to adequately represent 950,000 people.

Commissioner Schellenberg asked Mr. Crescimbeni why he is still supportive of term limits given his many years on the council in the 1990s that were tremendously helpful when he came back to the council in the 2000s. Mr. Crescimbeni said the drafters of the term limit amendment made sure in the referendum process that partial terms did not count as a term so anyone serving a partial term got the opportunity to run for 2 full terms of their own, and they didn’t limit coming back after sitting out a term. He believes institutional knowledge is good, but turnover is good as well. The public will *not* be supportive of tampering with term limits. Mr. Schellenberg said that district council members really pull most of the constituent service weight and the at-large members don’t know the district issues in depth, so they aren’t really helpful in that regard. Mr. Crescimbeni said the district members certainly know the minutiae of their districts, but there’s value to having a broader perspective as well. He compared it to the U.S. Congress with district representatives and statewide senators.

Chairman Swanson said the committee has heard lots testimony that the at-large members are too many, or not involved, or not necessary and asked if it might be better to have 19 districts and no at-large, or maybe 18 districts and 1 at-large. Mr. Crescimbeni said the arguments against the at-large seats can also be applied to district representatives – some of them are not engaged or effective, or he’s also seen district members so consumed with district details that they pay no attention to anything larger. Technology (the advent of email, the 630-CITY complaint/information hotline, the City’s web site, etc.) should have taken care of most customer service issues so district members should theoretically have more time to get involved in larger policy issues. The at-large members provide a valuable service to constituents who don’t get any response from their district member.

In response to a question from Chairman Swanson about why most big Florida counties have smaller governing bodies, Mr. Crescimbeni said it is because many county commissions are full-time positions, and also many counties have dozens of independent municipalities that handle most service provision for much of the county population. If you reduce the size of council, you’re going to need more staff to handle the workload they currently carry.

Chairman Swanson said some parts of town feel much neglected with regard to service provision and attention and asked if 25 smaller districts might better address their needs. Mr. Crescimbeni said possibly they could, or maybe there is a need for more staff. He asked why, if people don’t feel like they’re well represented, they don’t change representatives at the next election. Commissioner McCoy asked if 2 terms are sufficiently long to allow the pursuit of a strategic vision or whether 3 terms would be better. Mr. Crescimbeni said there will always be an argument for having one more term no matter what number you pick. Commissioner Jameson asked for clarification about to whom and how the term limits apply. Mr. Crescimbeni said they apply to the person, not the seat. A council member can come back, even less than 4 years later, after sitting out the next election. The term limit language prohibits a person elected twice consecutively from being a candidate for the next succeeding general election, but does prohibit them from running in a special election less than 4 years after leaving office, or from running again after 4 years have passed.

Chris Hand, former mayoral Chief of Staff and author of the latest updated edition of *A Quiet Revolution: The Consolidation of Jacksonville/Duval County and the Dynamics of Urban Political Reform* said that former Mayor Jake Godbold believed that 14 districts and 5 at-large was a good system to provide everyone with 6 representatives and points of access to government. He believes that 19 is a good number to maintain accessibility. He noted that immediately after consolidation there were approximately 25,000 citizens per district and now it’s about 65,000 – that’s a lot to keep in touch with. He believes reducing the size the council would not be good for citizen engagement. He encouraged the committee to look at former Council Member Bill Gulliford’s idea of giving the 5 at-large members specific policy matters to become expert in over their 4 years (economic development, crime, downtown development, etc.) and focus on broad policy issues. He said it’s an “apples to oranges” comparison of Jacksonville to South Florida counties; they have lots of independent municipalities while Jacksonville only has 4. He said that moving the date of City elections is the one thing he’d really recommend, and thinks that staggered terms would also be helpful.

Commissioner Jameson questioned whether term limits are really limiting if an official can come back and be re-elected again. Mr. Hand said voters chose to voluntarily limit their ability to keep electing people perpetually and extended it to the constitutional officers. The limits do enforce a break and give an opportunity for new people to get into office and then decide again later if someone runs again.

Commissioner Baker noted that several former council members have testified to the commission that 19 council members are too many and wondered why they would have had that opinion. She asked what his interviews for the latest edition of the book found in that regard. Mr. Hand said that nobody he interviewed said the council needed to be smaller, although some wanted 19 districts and no at-large members. Some have suggested maybe the city needs more council members to keep up with a growing population. When he worked for the mayor he didn’t think 19 was too many to deal with. He feels you need a council big enough that people feel like they can reach and interact with council members and get a fair hearing and representation on their issues. There can’t be too much citizen engagement with their government and anything that reduces it needs to be approached with caution.

Commissioner Baker asked what could help focus the at-large members and how that focus and engagement could be somehow required via the electoral process. Mr. Hand said that seems more like something Council would do internally to choose which members would do what. There could be a Charter amendment to direct that there be such a process, leaving some discretion to the Council and its President to determine how such assignments would be made.

Council Member Schellenberg said Jacksonville frequently recycles elected official from office to office and that incumbents almost always get re-elected. He asked what thoughts Mr. Hand might have about the Office of General Counsel and JEA. Mr. Hand responded that the General Counsel is one of the 5 big questions for Jacksonville’s future identified in the latest edition of the consolidation book. The OGC is the spine of the government reaching every agency and function. He thinks 8 months is not enough time for the CRC to do what needs to be done as thoroughly as it needs to be and to tackle OGC issues as well, so perhaps the CRC could recommend that someone (next Council President?) should appoint a task force to study the OGC and how it’s working. It’s so important that it ought to be reviewed periodically like everything else in the city government. Mr. Schellenberg asked if the General Counsel should be prohibited from attending political events for the sake of the appearance of impartiality. Mr. Hand said he didn’t look at that aspect for the book, focusing more on technical details. He felt it was an idea worthy of being looked at by someone. Chairman Swanson said the CRC found the OGC issue too big to tackle with everything else that needs to be done, so he loves the idea of recommending that someone else be assigned to thoroughly study it.

Commissioner McCoy asked Mr. Hand if term limits hinder the ability to do long-term thinking, and what he thought about extending the limit to 3 terms. Mr. Hand said that mayors in cities that don’t have limits (i.e. Joe Reilly in Charleston, Buddy McKay in Orlando) advocate for no limits because they couldn’t have accomplished what they did over a course of couple of decades if they had been term limited. Mayors may be different than council members in terms of needing extended terms to fulfill grand visions. The voters should make the decision, whether that’s to impose term limits or not. He urged that the CRC not be afraid to make whatever recommendations it feels are needed and not be bound by thinking about political viability of those recommendations – the City Council will deal with that later.

In response to a question from Chairman Swanson about whether it would it make sense to shift 2 or 4 at-large seats to district seats, Mr. Hand said that the late Mayor Godbold would have been opposed because it would reduce citizen access points. Perhaps more districts are needed if the constituent workload is the problem. Some at-large members might be helpful with constituent assistance because of their personal interests.

Commissioner Schellenberg asked Mr. Hand’s opinion of “minority access” districts drawn to give minority candidates a better chance of being elected. He feels they aren’t compact and make districts difficult to draw. He also noted that in recent years candidates have been getting elected in districts that aren’t drawn for their advantage, and that the voters have elected an African-American mayor, an African-American sheriff, and African-American at-large city council members not residing in the minority access at-large residence area. That would seem to indicate that there is no longer a need to go to the effort these districts require. Mr. Hand said he thinks the historically minority districts are compact and are doing their job. Anything that dilutes the representation of areas of the community left behind will be bad for public perception of the consolidated government. Mr. Schellenberg countered that for 50 years those communities have not gotten what was promised, so clearly something is wrong and something different needs to be tried.

**The committee was in recess from 10:28 to 10:34**

Jeff Clements’ presentation on City Council structural issues was moved to the next meeting. Council Member Schellenberg asked for research about the salaries and staffing levels of other consolidated governments.

Paige Johnston informed the committee that the CRC’s Strategic Planning Committee is considering proposing to have the 5 at-large council members serve as members of their proposed Strategic Plan Committee to be appointed once every 5 or 10 years, so wanted this committee to know they were envisioning a role for the at-large members.

Chairman Swanson said he liked Chris Hand’s suggestion that City Council appoint a task force to examine the role and powers of the OGC and asked the committee their opinion. Commissioner Baker opposed making a subcommittee recommendation. Commissioner Jameson felt no recommendation was needed – City Council can do that itself if it feels that it’s important. Commissioner McCoy favored making the recommendation for City Council to study the General Counsel because it’s such an important issue. Someone needs to see how it’s been functioning since consolidation in 1968 and if it’s doing the job adequately now. Mr. Schellenberg favored making a recommendation so that a mechanism can be found to insulate the General Counsel from political influence and ensure fair representation of all clients. He sees a need to acknowledge the turmoil that has gone on recently and acknowledge that it at least needs examination. Mr. Swanson said he would draft up a recommendation that someone take a look at the OGC and let the committee consider it next week. Commissioner Jameson asked that the committee’s report please include the previous CRC discussion and votes in the draft for context.

Term limits presentation – Commissioner McCoy

Commissioner McCoy said he has been changing his opinion on what to do with term limits based on the discussions the committee has been having in recent weeks. He originally thought that term limits were negatively impacting on the ability of the city to pursue a long-term vision for improvement, particularly downtown development, but now he’s not sure that term limits are the issue. Perhaps it’s a lack of vision by City leaders or an inability to decide what to do that is holding back downtown redevelopment. He’s beginning to think that extending term limits won’t make any difference.

Commissioner Jameson said she’s generally opposed to term limits and thinks at least extending to 3 terms is an important start. Commissioner Baker believes in term limits and likes the current system, and thinks the voters would not support any expansion of terms. Commissioner Schellenberg said 30 years have gone by since term limits were imposed and a new generation of citizens deserves the chance to have its say on the issue. No one has explained the pros and cons to the general public. Jacksonville is hampered by loss of institutional knowledge and is hampered in dealing with the state government because we don’t have continuity on issues compared with other cities and counties that don’t have term limits. A longer time is needed to push big projects to completion. The voters should have the right to elect who they want for as long or as short as they want. Commissioner Jameson said the committee needs to think about political viability of a recommendation. The public seems to be against long-term institutional knowledge these days, and there doesn’t seem to be any groundswell or organization in the public that’s interested in pushing this issue. Chairman Swanson felt the committee needs to say something about term limits one way or another.

Commissioner McCoy said he would recommend extending City Council to 3 terms, and leave the mayor and constitutional officers at 2 terms. Ms. Jameson supported going from 2 to 3 terms for City Council with a need to time implementation for well down the road (2031) so it doesn’t affect anyone currently in office. Ms. Baker and Mr. Schellenberg were opposed to that recommendation. Mr. Swanson agreed with the McCoy/Jameson proposal. Mr. McCoy will write up the recommendation for discussion and public comment at the next meeting.

Size and composition of City Council – Commissioner Baker

Commissioner Baker recommended that the commissioners do research before next week’s meeting on why some people have expressed the feeling that City Council is too large – no one has been specific about why they feel that way. She is also interested in learning more about the minority access districts mentioned earlier, why they exist, how they work. Jameson is interested in knowing if “minority” means minority in the city or minority in the country? What happens if Jacksonville becomes a majority [delete “African-American”, insert “minority”] city?

**Meeting adjourned:** 11:19 a.m.

Minutes: Jeff Clements, Council Research Division

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