



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-630-1377

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

**July 31, 2019
9:30 a.m.**

In attendance: Commissioners Lindsey Brock (Chair), Jessica Baker, Frank Denton, William "W.C." Gentry, Charles Griggs, Chris Hagan, Nick Howland, Heidi Jameson, Ann-Marie Knight (arr. 10:20), Emily Lisska, Nelson McCoy, Celestine Mills, Betzy Santiago, Matt Schellenberg, Scott Shine

Also: Council President Scott Wilson, Council Member Aaron Bowman; Jason Gabriel and Paige Johnston – Office of General Counsel; Cheryl Brown – Council Secretary/Director; Jeff Clements – Council Research Division; Carol Owens, Crystal Shemwell and Brooke Cockrell – Legislative Services Division; Steve Cassada – Council Staff Services; Carla Miller – City Ethics Officer; Rick Mullaney – Jacksonville University Public Policy Institute

Meeting Convened: 9:34 a.m.

Chairman Brock called the meeting to order and gave the members a quick overview of the “request to speak” system.

The Chairman introduced City Council President Scott Wilson who welcomed the group and encouraged thoughtful deliberation throughout the study process. He said the City’s staff stands ready and willing to assist the members in any way and he encouraged use of their expertise.

Mr. Brock said that initially the commission will meet every other week for a few cycles to develop a list of top issues (maybe 5 to 7) for which he will appoint subcommittees with chairpersons to deeply examine those issues. After the subcommittees have had a chance to do some research and develop the scope of the issues, the full commission will reconvene to hear their reports and make suggestions for additional work. He said that the staff will be providing the members with the final report of the 2009 Charter Revision Commission and of the 2017 Task Force on Consolidated Government to take advantage of their considerable previous research. Mr. Brock read the commission’s charge as contained in the City Charter, which is very broad.

The commission members introduced themselves and briefly described their backgrounds and their interest in the work of the commission.

Chairman Brock introduced Council Member (and former Council President) Aaron Bowman who appointed the Charter Revision Commission just before his term as president ended in June. He said that a lot of thought and intention went into the appointment of the members who represent a wide variety of perspectives. He thanked the members for their willingness to commit to a lengthy and time-consuming process. He offered his services as a facilitator for making connections for the commission to needed persons and resources.

City Ethics Officer Carla Miller gave the group an overview of Florida's Government in the Sunshine Law and Public Records Law and the City's ethics ordinance. She noted that the only recommendation of the 2009 Charter Revision Commission that was implemented was the recommendation to strengthen the independence of the City Ethics Commission. Florida has the most stringent "government in the sunshine" laws in the nation. Ms. Miller emphasized the importance of avoiding any type of communication (in person, by telephone, email, text, social media, etc.) about issues that are or may conceivably come before the commission. She noted that citizens have a right to be heard before the commission takes final action on any issue. Almost any written document that a commissioner produces in the course of their service on the commission (including texts, emails, handwritten notes, computer files, etc.) will be considered a public record and need to be retained permanently for the public record, even if produced or received on personal communication devices. All such records should be forwarded to City staff for retention. Ms. Miller reviewed the conflict of interest regulations and urged the commissioners to call her office with any questions or to explore any potential issues. In response to a question from Commissioner Griggs about commissioners speaking to civic groups, Ms. Miller urged that only one commissioner attend such events to lessen the chance for a Sunshine Law violation. If another member happens to be present, care should be taken not to engage in any discussion or sharing of ideas. If multiple members are invited to attend the same event, that event should be noticed by the commission staff and then the rules of noticed public meetings must be enforced.

The Chair introduced Rick Mullaney, Director of the Public Policy Institute at Jacksonville University and a former City General Counsel under several mayors, to give an overview of the history of Jacksonville's city/county consolidation. Jacksonville's consolidation is one of the most unique government structures in the state and the nation. He outlined the challenges facing the city and county in the 1950s and 1960s and how a 1934 amendment to the Florida Constitution authorized Jacksonville and Duval County to adopt almost any form of government utilizing a wide range of home rule powers following a citizen referendum. Jacksonville had an extremely convoluted form of government with duplication and conflict and very little accountability. A string of crises, including a polluted river, eroding tax base, discredited schools and political scandals and public official indictments led to the creation of a blue ribbon commission that produced the proposed consolidation charter that was approved by the voters in 1967 and became effective on October 1, 1968. The charter embodies the federal model of co-equal branches of government in a system of checks and balances.

Mr. Mullaney described the 5 defining features of the consolidated government: 1) complete consolidation – the former city and county were abolished and a completely new government was created; 2) strong mayor form of government; 3) unified delivery of legal services by a single general counsel with the power to issue legal opinions binding on every entity in city government; 4) unified provision of central services; and 5) less sovereignty for independent authorities and constitutional officers than in the rest of Florida and more connection with and oversight by the consolidated government (i.e. mandatory use of the General Counsel's office, City Council approval of budgets, etc.). The government structure, in combination with strong elected leadership, gives Jacksonville regional and national clout out of proportion to its population.

One of the drawbacks of the consolidated government is the difficulty of adequately representing all parts of the community within a large government structure. Some feel that neighborhoods have been overlooked because of the focus on centralized planning and decision-making.

Commissioner Schellenberg said that the process of checks and balances sometimes doesn't work as intended, citing the example of City Council passing an ordinance establishing specific requirements for an appointed position that he believes the mayor ignored and the General Counsel approved, leaving the Council no means of appeal.

Mr. Mullaney said that General Counsel opinions can be overturned in 2 ways – by a court of competent jurisdiction and by a Florida Attorney General legal opinion. Mr. Schellenberg questioned how an Attorney General legal opinion could be requested if the City's General Counsel does not authorize anyone in the City government to request it.

In response to a question from Commissioner Griggs about the faults or failures of consolidation, Mr. Mullaney said that under-investment in parts of the pre-consolidation city (especially minority neighborhoods) has long been a problem, although there is continuing debate about whether that is a structural related to the form of government or political problem of the elected leadership.

Chairman Brock introduced General Counsel Jason Gabriel to give an overview of the scope of the City Charter, beginning with the list of problems and crises cited earlier by Mr. Mullaney leading to the "Yates Manifesto" requesting the state to authorize a Local Government Study Commission that produced the Blueprint for Improvement the proposed the consolidated government charter. Jacksonville is one of only about 40 consolidated city/county governments in the country, and is among the most fully consolidated. Jacksonville is governed by 2 sources of law – the City Charter (the underlying constitution) and the Ordinance Code (the statutes that implement the structure and fundamental powers contained in the charter). Jacksonville's charter was approved by the State Legislature and by the citizens via referendum and grants considerable local authority to the city to exercise all local government powers not specifically prohibited by or reserved to the state. He added a clarification to Mr. Mullaney's earlier statement that an opinion of the General Counsel can be overturned by a Florida Attorney General's opinion – that provision only applies to opinions regarding matters of state law.

Mr. Gabriel reviewed the 4 ways the City Charter can be amended: 1) by City Council ordinance alone (with some subject area limitations); 2) by City Council ordinance with subsequent voter referendum; 3) by special act of the Florida Legislature; and 4) by voter referendum initiated by citizen petition. He reviewed the history of Charter Revision Commissions in Jacksonville going back to 1972. Beginning in 2009 the Charter was amended to provide that a Charter Revision Commission would be appointed every 10 years to work for 8 months and produce a report. Mr. Gabriel offered the services of his office to answer questions or explore any issues the commission may wish to undertake.

Mr. Brock opened the floor for suggestions of topics the members may wish to consider. He said that invitations would be issued to the 5 constitutional officers to appear before the commission to provide input. Commissioner Jameson asked for information on which of the recommendations of the 2009 Charter Revision Commission and the recent Task Force on Consolidated Government had been enacted. Mr. Brock will invite former Council Member Boyer to address the Task Force's work and recommendations.

Commissioner Shine: the binding legal opinion power of the General Counsel and the dual role of the OGC as both a legal representative of clients and a judge; outdated provisions in the Charter relating to the School Board (school board salary, setting the school calendar); School Board elections being held on

a cycle not in sync with the constitutional officers; ethics provisions regarding use of uniformed officers and American flags in political advertisements.

Commissioner Mills: in response to a question about whether the City Council is bound to at least consider the recommendations of the Commission and vote on the proposals, Chairman Brock said neither the City Council nor the Legislative Delegation is required to take any action on the commission's work. Ms. Mills feels the commission needs some assurance that its work will be acted upon in the end after all the hard work is put in. Mr. Brock said that might be a recommendation to make – that the Council be required to consider and vote on the recommendations of Charter Revision Commissions.

Commissioner Gentry: the strategic planning recommendation of the Consolidation Task Force to get some continuity from mayor to mayor; OGC binding opinion authority (which he believes allows discretion in the power to craft a legal argument to reach a pre-determined conclusion) – need to restore public confidence in the process.

Commissioner Schellenberg: agrees that the OGC issues are important - the General Counsel should be a highly respected legal figure in the community and independent of the influence of the mayor who appointed him/her. He recommends the following figures be invited to speak to the Commission: Hank Coxe, Audrey Moran, Buddy Schultz, John Delaney, Wyman Duggan, Jay Demetree, John Peyton, Chuck Arnold, Charlie Cofer, Jeanne Miller, Gary Flower, Robert Harris, Martha Barrett, Steve Diebenow, Mike Weinstein, Ali Korman Shelton, Warren Jones, Steve Rohan, Melissa Nelson.

Commissioner Shine: the commission would benefit from public comment and input to help frame issues. Chairman Brock suggested a social media campaign to solicit public input (Twitter, online survey, etc.).

Commissioner Griggs: explore how the structural framework of the Charter can be changed to help address persistent community problems in neglected areas.

Commissioner Denton: a concerted effort is needed to publicize the Commission's work in multiple media and to really get the public's input on what they care about; commissioners should appear on all sorts of media to appeal for public input about their problems and ideas.

Commissioner Jameson: public engagement is very important; she is interested in the timing of local elections.

Commissioner Santiago: she is interested in the timing of how things overlap (a new City Council votes on the city budget early in its tenure, boards and commissions appointed by one council president serve under the next, etc.).

Commissioner Howland: strategy needs to come before structure – the city needs to identify solutions to crime and education problems and then structure to implement the solutions; Kids Hope Alliance needs, possibly including a dedicated funding source for kids; need to hear from the business community about their issues and what affects Jacksonville's future

Commissioner McCoy: education issues, particularly sufficient funding; environment – how do we publicize, protect and use the river, park system and other natural resources for everyone's benefit.

Commissioner Baker: don't re-invent the wheel by ignoring what the previous Charter Revision Commission and Consolidation Task Force previously researched and recommended.

Commissioner Knight: homelessness and health care equal access issues; Commissioner Schellenberg added that UF Health has been long-neglected and the City needs to be more engaged and helpful to help the hospital be successful.

Commissioner Lisska: look at original precepts of consolidation and the compromises that were made to get it passed; go back and look at the ideals of the original charter proposal.

Chairman Brock said that the initial meeting schedule would be from 9:30 a.m. to 12 p.m. every 2 weeks on Wednesday through the end of September, after which subcommittees will be appointed and begin meeting on narrowly defined issue areas. Members were asked to send any availability conflicts to Carol Owens of the Legislative Services Division.

Meeting adjourned: 12:10 p.m.

Minutes: Jeff Clements, Council Research Division
Jeffc@coj.net 904-255-56137

7.31.19 Posted 5:00 p.m.