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MarksGray
Memorandum

TO:

FROM: JCR

SUBJECT: Revised thoughts about structure and mission for Jacksonville

DATE: January 14, 2014

* I have added a sentence to paragraph 8 of my December 12th memo, and added new paragraphs 16, as to non-partisan elections, and 17, as to regional transportation in this revised memo.

1. The original charter provided for a Chief Administrative Officer, appointed by the mayor, whose function was to serve as a city manager controlling the operations of the various departments and divisions of the city, leaving the mayor free to set policy and oversight of the city. At some time, I believe in relatively recent years, the charter provision for a CAO was deleted. Mayor Brown does have a CAO, but she does not have the responsibilities of a city manager, and most Department Heads are reporting directly to the mayor. This violates the intent of the charter, and what the military calls “span of control,” under which no executive (or commander) should have more than 3-5 direct reporting entities to deal with.
2. The original charter provided that most department heads were required to have at least a college degree and five years of experience in the field in which their department was active. Except for the requirement that the General Counsel be a member of the Florida Bar, and the Public Health Officer be an M.D. or a D.O., those educational and experience requirements have been deleted from the charter, and before that the council often waived those requirements. This breeds cronyism, and a spoils system, and

department heads who learn their craft from on the job training, which degrades the performance of that department, and demoralizes qualified people who try to work for that department head.

3. Mayor Brown has not appointed deputy department heads which is his prerogative, but many of those departments need a deputy department head. They should also meet educational and experience requirements.
4. Similarly, division chiefs should have minimum educational and experience requirements in their field of endeavor, which should not be waived except where a candidate truly possesses the equivalent of the requirement.
5. I understand there is an Ombudsman on the mayor's staff, but with a limited scope of responsibility. City Council members are accustomed to calling department heads or division chiefs or even lower city workers, to get constituent's problems resolved, but there should be a better way. I believe that a city Ombudsman should be the point of contact for City Council members, or citizens to communicate their concerns. The Ombudsman should have sufficient staff and funding to be able to respond in a credible, timely, and effective manner. Perhaps the Ombudsman should have designated contacts in each department and division, to provide liaison between the Ombudsman and that entity to make the system work better.
6. CPAC boundaries should be adjusted to represent neighborhoods, without arbitrary boundaries cutting through neighborhoods, and should be smaller than they are, so that citizens can become adjusted to raising their concerns through their CPAC, with the expectation that timely and effective results will occur. The Ombudsman system should also be tied into the CPACs. Redesigned CPACs could solve the problem of the growing population of council districts, rather than creating more council districts.

7. We need to create a meaningful way to do long range planning, not only for capital improvements, but for other long range issues for the city, such as transportation and river quality. The plan should be amended on an ongoing basis, particularly when a new mayor takes office. The comprehensive plan is designed only to meet the minimum requirements of state law, which under Governor Scott are no longer functioning anyway. The Regional Planning Council should have a role to assist in creating and managing our long range plan, but we need to strengthen our relationship with that council to do so. Plans like the Renaissance Plan and the Better Jacksonville Plan which, were primarily for capital improvements, and absorbed our bonding capacity over many years, and do not accomplish the purpose of a long range plan for the entire city. Plans of the JTA, JEA, JPA, JAA, and the school board, should be a part of an overall long range plan for the city, and those independent agency's plans should not be inconsistent with the objectives of the city.
8. Central services should be utilized by all departments and independent agencies. Representatives of a particular central service, such as IT or Purchasing, can be located in departments or agencies that have a high level requirement. Those representatives should become experts in the needs of that particular agency or department, and reconcile those needs through that particular central service department head. They should think of themselves as representatives of their central service, attempting to maximize service to the user to meet its needs, but not to be controlled by the user. We need to set the central services charges to governmental agencies based on actual operating expense, not artificial amounts, or amounts to cover unfunded liability of pensions, in order to allow central services to be competitive with the private sector. Unfunded pension liability

should be in a separate account as a budgetary problem for the entire city, and we should not be attempting to recover any of that through central service charges.

9. The concept of Central Legal Services administered by the General Counsel is an essential function of our government. The primary purpose is not to save money, although avoiding litigation between governmental entities will save a lot of money. The primary purpose is to provide consistent legal opinions by the General Counsel, after hearing from all sides of the controversy, through Assistant General Counsels assigned to represent those entities' interests, with a binding Advisory Opinion that has the same legal effect as a judgment in the courts, without the expense of internecine litigation. Whether an entity agrees with the General Counsel's advisory opinion or not, it has the same effect as a judgment in court, and provides the same recourse; to change the law or ordinance to satisfy the concern. We need to make it clear in the Charter that the General Counsel is the chief legal officer of the city and all of its independent agencies, boards and commissions, and is not a spokesperson or advocate for the mayor, or the City Council, or any other entity of the consolidated government. For example, there is no legal authority for the Fire and Police Pension Board to retain outside counsel, and there is no conflict of interest for the General Counsel to advise the pension board, the mayor, and the City Council on the law pertaining to pensions, and be prepared to tell each of them how the law could be changed to suit their particular purposes.
10. The original charter of the JEA provided that the City Council have the power to appropriate up to 30% of the estimated gross revenues of the JEA for the use and purposes of the city, and the authority was required to set aside 10% of its annual net revenues in the previous year for a depreciation and reserve account. This was because the electric department of the old city of Jacksonville had paid 60% of its revenues to the

city for many years, making it impossible for the department to have funds to maintain and improve its capital plant. Over the years the JEA persuaded the City Council to accept about 5% of its revenues. Bear in mind that the franchise fee and utility tax are city revenues, not JEA revenues, even though the rate payers pay them. JEA should be paying the city at least the equivalent of what Florida Power and Light pays to counties and cities in their distribution areas, in lieu of city taxes, stockholder dividends, and other revenues that the city, as owner of the utility, should receive, which is probably about 20% of those revenues from electric, water, and sewer, or more than four times as much as the JEA is paying the city. This is further complicated by the fact that the JEA has never paid anything in lieu of taxes to the School Board, although they do provide a volume discount of 10% to the School Board, which all other large volume users receive. JEA revenues should not be used to reduce pension liability, but we should arrange for the JEA to pay part of their revenues in lieu of taxes to the school board.

11. If we can craft a way by which incoming mayors would have more time to prepare their initial budget, we should do so. Perhaps a charter amendment that adjusts the budget schedule every four years to accommodate a new mayor would do the trick.
12. We should strive to bring the independent agencies under the umbrella of the city as regards long range planning, finance and budget, bonding, central services, and other factors designed to put the city and all of the independent agencies on the same sheet of music, with common goals and objectives.
13. The Tourist Development Council (TDC) was created by the legislature in 1985 to be administered by County Commissions, and funded by a bed tax. Mayor Godbold and his general counsel, Dawson McQuaig mistakenly allowed the City Council to take control of the TDC, because they did not read the charter, which provided that administrative and

executive functions of county commissioners, are vested in the Mayor of Jacksonville, and not the City Council. I am not up to date on how the TDC is functioning, but I do recall many years in which various City Council members abused the TDC as a vehicle for worldwide junkets. More importantly, the bed tax, and the TDC, should be connected with the Visitor's Bureau, and economic development in the mayor's office, and not separately administered by the City Council, whose responsibilities are limited to legislative and budgetary functions.

14. City Council salaries have gradually increased from \$5,000 in 1970 to nearly \$50,000 today. (It was \$32,000 in 2009.) School Board salaries have similarly increased, but not by council ordinance, because they have relied on state law for the largest school districts. (Under our charter we can set salaries for school board members different than state law.) The City Council was not intended to be a full time job, or a career. They were to be paid an amount adequate to cover their expenses and serve the city for 4-8 years, in the same manner that individuals serve on the boards of the various independent agencies, without compensation, other than expenses. We have had City Council members who ran for office because they had never made \$45,000 a year before, and interestingly some of those increased their net worth from very little to several million dollars in just a few years. The only argument for paying City Council members more than \$12,000 or \$15,000 a year is that people with low incomes might not be able to serve. The question then arises whether we want people with low earning capacity to serve on City Council, any more so than we would want them to serve on the board of our 100 million dollar family corporation. Certainly the quality of the City Council would be improved if we could get the same quality of people to run for that office, as

those who are willing to serve without compensation on the boards of the independent agencies.

15. I concur with the consensus that we do not need to recommend any changes for the constitutional officers. Moreover, I believe our report should mention that fact and the reason why; that they are performing well, and apparently they and the public prefer they be elected. I do have reservations about whether the tax assessor should have some particular knowledge or experience, because if he does not know anything about assessing taxes he will have to rely on the deputies who have been there a long time to help him out, and I do not believe that is a good way to assess taxes. The tax collector and the supervisor of elections can probably learn to run their operations with on the job training. There is no reason to elect the clerk of the court, but it is not worth the fight for this report. We should at least make the point that future revision committees should consider putting the police department under the mayor, like the fire department. We could maintain an elected sheriff, who performs state duties, and possibly run the jail; and have an appointed police chief under the mayor. The point is, we should mention this, because, although we have not yet had a problem, there is a potential for a difficult problem if the mayor and a sheriff do not get along, and play games with law enforcement during stressful times like riots or hurricanes.
16. We should make all local elected officials non-partisan. We have had good experience with a non-partisan school board for many years. In the 1990s I chaired a JCCI study on local elections which resulted in a position of term limits on local officials, and “unitary” elections, in deference to local partisan leadership that opposed non-partisan elections. Unitary elections eliminated party primaries, which has been an improvement. There have never been any partisan issues before the city council, or any discussions on party

lines, and no such issues should be determined on a partisan basis. There have been occasional forays by one party or the other, to influence the election of a new city council president, or a mayor. In recent weeks there is a stirring among party leadership to determine the next mayoral election on a partisan basis. We would all be better off if all of our local elected officials were non-partisan. Individual elected officials can be members of a party, but they should not run for election on a partisan basis, and hopefully they will not operate on vote on local issues on a partisan politics, which have no place in local government.

17. There has been progress in recent years toward the possibility of a Regional Transportation Authority, but the smaller counties who would be involved fear the power of JTA/Duval County, and the JTA/Duval County fear the combined power of the smaller counties. We need to break this deadlock, and create a five or seven county Regional Transportation Authority with appropriate representation from each county, the DOT, and the JTA. We are twenty years late doing this, and if we do not address it soon we will have even more gridlock in our transportation system. One possible solution is to begin with an authority composed of appropriate number of representatives from each county, and has the authority look to the JTA and the DOT for planning and performance of various projects. In that system each county would contribute the amount necessary, above federal and state funding, to do work in their particular county, to be performed by the DOT, or the JTA. Hopefully that system would allow the counties to become more accustomed to working together, and build trust and confidence in the JTA as a regional player, even though that may not be acceptable to the smaller counties at the outset. The Regional Planning Council should be much involved in the planning process, together with the DOT, the JTA, and the various county governments. Until now the smaller

counties have relied heavily on the Regional Planning Council and the DOT to accomplish their transportation planning and management objectives, but Duval County has shunned both the Regional Planning Council, and the smaller counties, in planning for transportation and growth management, which is detrimental to the region.