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CITY OF JACKSONVILLE
CHARTER REVISION COMMISSION
MEETING

Proceedings held on Thursday, November 19,
2009, commencing at 9:00 a.m., City Hall, Lynwood
Roberts Room, 1st Floor, Jacksonville, Florida,
before Diane M. Tropa, a Notary Public in and for
the State of Florida at Large.

PRESENT:

- WYMAN DUGGAN, Chair.
- MARY O'BRIEN, Vice Chair.
- ED AUSTIN, Commission Member.
- JIM CATLETT, Commission Member.
- WILLIAM CATLIN, Commission Member.
- JESSICA DEAL, Commission Member.
- TERESA EICHNER, Commission Member.
- ROBERT FLOWERS, SR., Commission Member.
- BEVERLY GARVIN, Commission Member.
- MECHELLE HERRINGTON, Commission Member.
- ALI KORMAN, Commission Member.
- JEANNE MILLER, Commission Member.
- GARY OLIVERAS, Commission Member.
- CURTIS THOMPSON, Commission Member.
- GEOFF YOUNGBLOOD, Commission Member.

ALSO PRESENT:

- STEVE ROHAN, Office of General Counsel.
- JEFF CLEMENTS, Research Division.

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1 P R O C E E D I N G S
2 November 19, 2009 9:00 a.m.
3 - - -
4 THE CHAIRMAN: Good morning.
5 I will call to order the November 19th,
6 2009, meeting of the Charter Revision
7 Commission.
8 As a few preliminary items, the court
9 reporter has asked me to remind everybody
10 that -- since this room is a little bit more
11 informal, it's easier for people to start
12 speaking at the same time, and it would assist
13 her greatly if we would just keep in mind that
14 she needs to get each one of our comments in
15 full down, so just bear that in mind.
16 Secondly, I would ask each of you, as a
17 reminder -- and the audience as well -- to
18 silence your cell phones.
19 If we could go around -- actually, let's do
20 the Pledge and a moment of silence first.
21 (Recitation of the Pledge of Allegiance.)
22 THE CHAIRMAN: Thank you.
23 Let's begin by just a quick roll call,
24 starting with Vice Chair O'Brien.
25 MS. O'BRIEN: Mary O'Brien.

1 MS. MILLER: Jeanne Miller.

2 MR. CATLETT: Jim Catlett.

3 MR. OLIVERAS: Gary Oliveras.

4 MR. YOUNGBLOOD: Geoff Youngblood.

5 MR. FLOWERS: Robert Flowers.

6 MS. KORMAN: Ali Korman.

7 MS. GARVIN: Beverly Garvin.

8 MR. CATLIN: Billy Catlin.

9 MR. THOMPSON: Curtis Thompson.

10 MS. DEAL: Jessica Deal.

11 MR. AUSTIN: Ed Austin.

12 THE CHAIRMAN: I'm Wyman Duggan.

13 Thank you.

14 As you know -- I believe you know, our
15 featured speaker today is the mayor, and we
16 will -- after his presentation and questions and
17 answers, we will then go into what I would call
18 a workshop discussion to talk about where we've
19 been, how we feel about the issues that we
20 identified at the beginning of this process as
21 ones we wanted to look into, and where we can
22 focus with the rest of our time as a commission.

23 And without further ado, I will invite the
24 mayor to come address us.

25 (Mayor Peyton approaches the podium.)

1 MAYOR PEYTON: Thank you, Mr. Chairman.

2 THE CHAIRMAN: Thank you, Mr. Mayor.

3 Good morning.

4 MAYOR PEYTON: I was looking for you all in
5 the council chambers this morning, and I -- do I
6 have the wrong day?

7 Well, it's great to see all of you, and I
8 appreciate the invitation to speak. Let me just
9 first say I really appreciate the time and
10 energy you're putting into this task. Not every
11 mayor gets to participate in Charter Revision,
12 our ten-year review, and it's important work.
13 And as we embark on this journey and you come in
14 for a landing in the next three months, I hope
15 you'll be proud of the work you've done in
16 trying to make this community better.

17 I've been mayor for six years. And before
18 that, I had served on the Jacksonville
19 Transportation Authority and then eventually as
20 chairman, so I have a unique perspective on
21 consolidated government. And I will tell you
22 this: My opinion is very simple. I think we
23 have the most enviable form of government in the
24 United States of America. And I hope through
25 your work, as you delve into the details of the

1 work the forefathers did on consolidation, that
2 you develop a pretty handsome respect for what
3 was crafted and how we govern ourselves as a
4 community.

5 I move around a great deal as mayor. I
6 have interaction with a lot of mayors and county
7 mayors from all over the country, and it's
8 amazing how few discussions I'm able to engage
9 in with fellow colleagues serving as mayor
10 because the battles they're dealing with, we do
11 not have here. We do not have the typical
12 struggles and typical conflicts and the typical
13 strife that comes with bureaucratic layers and
14 structures that almost seem as though they were
15 built to fail.

16 Is it perfect? No, it is not perfect. I
17 don't know that there is perfect. Are there
18 challenges? Yes, there are challenges, always.
19 Are there frustrating moments and frustrations?
20 Certainly. That's to be expected, but I think
21 when you look at consolidated government,
22 it's -- you can parallel also the observations
23 that people have about democracy in general.

24 And Winston Churchill, I will quote, said
25 it best. He said, no one pretends that

1 democracy is perfect or all wise. Indeed, it
2 has -- indeed, it has been said that democracy
3 is the worst form of government except for all
4 those other forms that have been tried from time
5 to time, and I think that's very real because
6 certainly democracy can be a frustrating act at
7 times. Having come from the private sector,
8 it's been quite the challenge for me to adjust,
9 I will say that.

10 But as you do your work, I hope you will
11 think big thoughts, you will focus on large
12 issues, and you will stay at 50,000 feet. The
13 changes you're recommending should not be
14 problems of the moment; they should be problems
15 of the decade or challenges with our structure.
16 And when we look 40 years from now, hopefully
17 you will look back at your work and you will say
18 that was important work and it was important to
19 our community as we strive to make our city
20 better.

21 I think it's in the DNA of this community
22 to challenge ourselves and to ask difficult
23 questions and to have uncomfortable
24 conversations. That is certainly what has
25 propelled us to where we are today. That is

1 what enabled us to rebuild ourselves after the
2 fire of 1901. I think that's what inspired
3 consolidation initially and, of course, the
4 ability to attract an NFL team in this very
5 small market, which was against all odds.

6 (Ms. Eichner enters the proceedings.)

7 MAYOR PEYTON: We have a history of
8 overcoming, a history of tackling challenges,
9 and pushing beyond our often self-imposed
10 boundaries. And this, of course, is an effort
11 to tweak and find opportunities to make better
12 those things that have been done before us.

13 So it is -- this is no small task. It is
14 an important task. You have been charged with
15 an important mission. And I can tell by the
16 time and energy you're putting into it, you take
17 that assignment very seriously. I've been
18 following your work. I've been following many
19 of the folks that have spoken before you, and
20 also the Monday morning quarterbacking that goes
21 on around you. Welcome to my world. But
22 it's -- don't be distracted. Be focused on
23 those things that matter.

24 I really view your work as an opportunity
25 to facilitate conversation, and oftentimes

1 ballot initiatives do just that. It's not to
2 say that we know that this is right or this is
3 wrong, but it is worthy of a conversation. And
4 sometimes it takes a ballot initiative to force
5 a communitywide conversation so these various
6 camps that have various opinions, many of them
7 strong in nature, have the audience to put the
8 facts on the table.

9 And I think that's really what this
10 opportunity is, is ballot initiatives are not
11 necessarily a declaration of what is right or
12 what's wrong, but worthy of a conversation on a
13 larger scale before the entire community.

14 So having said that, with three months to
15 go, I'm going to focus on a few areas that I
16 know you've been discussing and just kind of --
17 in a conversational style, share with you my
18 thoughts. And I'm just going to take them by
19 category and by topic, and then when I finish,
20 I'll be happy to answer any questions you have.
21 And I won't claim to have all the answers, but I
22 can certainly reflect on what my personal
23 experience has been as mayor of Jacksonville.

24 Let me first start with pension reform and
25 just kind of walk you through that because I

1 know this is a subject that has been of great
2 concern to you.

3 We are recently coming off probably one of
4 the most challenging budget cycles we've had
5 since the consolidation of our government in
6 1968, and there were three factors that have led
7 to the inevitable financial crisis that we found
8 ourselves in. One was tax reform that was
9 really imposed on us by the state legislature
10 and our governor where we lost \$100 million.
11 The other was the worldwide recession which
12 diminished our tax base and caused significant
13 damage to our annual fund. And the third was
14 pension, pension costs that have been escalating
15 at an unsustainable rate.

16 (Ms. Herrington enters the proceedings.)

17 MAYOR PEYTON: Two out of those three we
18 probably don't have much control over. We do
19 not have control or have an ability to influence
20 the worldwide recession from Jacksonville, and
21 we really found ourselves almost helpless when
22 it came to statewide tax reform. Even though
23 Duval County voted down Amendment 1, it was
24 still imposed on us, so it was a reminder that
25 we really don't have that much say. And those

1 two actions caused a great deal of problems with
2 our budget.

3 The third is pension reform, and I wouldn't
4 put it in the same category as the first. This
5 is something, over time, we have really done to
6 ourselves.

7 There are three reasons the pension has
8 grown at the rate that is now unsustainable:

9 One, we've had a growth in benefits through
10 the years. I might add, it's easy to grant
11 benefits when it doesn't affect you in the
12 short-term, so those holding office that grant
13 benefits often are not in office when the
14 chickens come home to roost. Number two, we've
15 had actuarial charts that have amassed the true
16 cost of these benefits. And then, number three,
17 we've had market failures that have not been
18 able to allow us to meet targets in this down
19 economy.

20 There is a notion that the City has missed
21 pension payments. That is inaccurate. The City
22 has never missed a pension payment.

23 What we have here is an unsustainable
24 condition that is threatening the very viability
25 of our government. When I took office, the

1 pension cost was about \$40 million, and that was
2 in 2003. Last year the pension cost was
3 \$70 million. This year that we just budgeted
4 for, \$110 million. And we know ten years from
5 now it is projected to be \$260 million.

6 Over that period of time that I'm
7 referencing, that's about a 530 percent increase
8 in pension costs. If you had an expense like
9 that in your home or in your business, certainly
10 you would try to do something about it. And it
11 has nothing to do with our lack of respect or
12 appreciation for the men and women who serve
13 this community and keep us safe. That is not
14 what this is about. In fact, I would argue that
15 it is in their best interest that we have a
16 sustainable system. The poster child for having
17 an unsustainable system is San Diego,
18 California, and there's plenty to be read about
19 what happens in that environment.

20 So what do we do moving forward on the
21 pension? Well, we're currently at the
22 collective bargaining table trying to negotiate
23 a new pension program. It basically resets the
24 bar on all the benefits as we know them. That
25 includes retirement age, it includes average pay

1 calculations, spousal benefits, you know, the
2 8 percent guaranteed rate of return on the DROP,
3 all of these things that are important.

4 The challenge is this: I think we will
5 have success at the collective bargaining
6 table. If not, we'll go to impasse, and I think
7 we'll have success there. It will not be an
8 easy process; it will be a painful process. But
9 the incentive, I think, for signing the deal
10 that's on the table is simply we are not
11 suggesting that we impact the current employees
12 today. This would only impact future
13 employees. That is the incentive.

14 I think if we do not reach an agreement,
15 that deal is off the table and we could indeed
16 actually impact current employees. And there's
17 a lot of debate as to whether we should do that
18 or not, but that is the route that we have
19 chosen.

20 This is the concern: Let's assume that we
21 work out the pension and we reset the clock and
22 we basically -- the plan that we have on the
23 table would save, just for your edification,
24 about a billion-three over the next 30 years.
25 It basically changes the trajectory from a steep

1 climb to more of a level climb.

2 If we do that, this is the challenge we
3 have: City Council, future City Councils or
4 future mayors have the ability to add benefits
5 at any time, so this work could be for naught.

6 And why would that happen? Well, we know
7 that the unions are a very strong political
8 force in this community and granting benefits is
9 a way to curry favor. That is the hard, cold
10 political reality.

11 We did pass an ordinance in 2006 that
12 allowed us to basically cap benefits unless we
13 were 90 percent funded. Well, let me just
14 remind you that our unfunded liability is --
15 hovers between 800 million and a billion dollars
16 today.

17 I am proposing the voters actually take
18 part in this process, not just City Council, not
19 just us at the collective bargaining table, but
20 we ask the voters to actually set a cap in the
21 charter, and it would be something like this:
22 We basically cap benefits unless we're over
23 110 percent invested or 110 percent fully
24 funded. I think this establishes a community
25 standard. Look, unless we are funded and we are

1 actually more than funded, we will not consider
2 enhancements in the benefit package.

3 Remember, council approved this notion in
4 2006, but it only takes ten votes to overturn
5 it. Putting it in the charter, I think, would
6 allow the voters to participate in something I
7 know is in the forefront of many -- many folks
8 in our community, and that is we've got to do
9 something about this, and we have the ability to
10 control it if we have the instruments to
11 engage.

12 So that is one thing I'd recommend, is
13 considering language in the charter that
14 basically caps benefits unless we are fully
15 funded or actually 110 percent fully funded.

16 Next is the election cycle. I know you've
17 spent a lot of time on this, and there are a lot
18 of different opinions in our community about the
19 election cycle, but let me just tell you from my
20 experience what I have experienced as mayor
21 coming into this office.

22 In 2003, I was installed. I literally had
23 weeks to assemble a budget presentation for
24 council to the tune of about a billion-dollar
25 budget. This is in the midst of coming off of

1 an election, going through transition, and now
2 the next speech I would give would be to council
3 to present what my recommended budget would be.

4 I will tell you, it is safe to say that you
5 cannot really make any systemic change to a
6 budget in weeks -- in a matter of weeks on a
7 billion-dollar budget on a government this large
8 by a new mayor.

9 I would also say that this is -- I'm not
10 the only one who has experienced a challenge
11 like -- challenges like this. Our City Council
12 has a very similar situation. When we went
13 through tax reform, the community's response was
14 to consider a revenue play in the form of three
15 fees to reinstall funds that we -- had been
16 lost.

17 We had a whole new class of council members
18 coming in, many of them very unfamiliar with
19 government and for the most part had never
20 managed a lot of people or certainly not a
21 billion-dollar budget. So they come into
22 office, we're in a state of crisis, and I
23 propose a radical change in the way we collect
24 revenue in this community. And like a doe in
25 headlights, they were unable to digest not only

1 the complexity but also the process by which we
2 pass a budget.

3 And I think, you know, many times a no vote
4 was not necessarily against what was trying to
5 be done, but really a recognition, they didn't
6 really understand the complexity of it and were
7 not comfortable passing something they really
8 couldn't understand and couldn't look their
9 voters in the eyes and say this is the best
10 thing because I really don't understand it,
11 having been elected and only been in office a
12 few weeks.

13 This is a terrible situation and this is a
14 terrible structure.

15 I know that Jack Webb has put a proposal on
16 the table that I think is actually the right
17 one, and he proposed basically keeping off-year
18 elections, which I support, but moving them to
19 the fall. That would give the new mayor and the
20 new council members a chance, a fighting chance
21 to at least understand and have their footprint
22 on the budget, which they are elected to
23 understand and support.

24 I do not support aligning them with the
25 gubernatorial election. I understand the

1 savings, but I think Jacksonville is worthy of
2 the investment to have our own airspace, our own
3 debate time, and not get caught into partisan
4 politics and riding coattails of statewide
5 leaders in order to hold office.

6 Jacksonville is a unique form of government
7 with a strong mayor form of government. And,
8 for that reason, we should have the time and the
9 space and the appreciation for candid dialogue
10 about where we are, where we're trying to
11 going -- where we're trying to go, and I think
12 melding it in with all the statewide activities
13 is not in our best long-term interest, but I do
14 think a fall election cycle is the right thing
15 to do.

16 So my perspective is this: Let's give the
17 future mayors, future council members the
18 appropriate time to build a budget, the most
19 important thing they do in office, number one.
20 And, number two, let's do it -- let's do it not
21 in alignment with other elections and get
22 clogged down with the airwaves in debating
23 issues that in many instances would be
24 partisan-driven, not specific issues to a city
25 we appreciate.

1 Moving right along, independent
2 authorities. I know there's been a lot of
3 discussion on independent authorities. And,
4 again, I have a unique perspective on this. My
5 interest in public service actually came from
6 serving on an independent authority, and that
7 was the JTA. I served there for many years and
8 eventually chaired it for two years, chaired it
9 during actually the Better Jacksonville Plan
10 proposal, which was a very interesting time to
11 be in that seat.

12 Let me just say this on a cautionary note:
13 When it comes to independent authorities and
14 even the Office of General Counsel, which I'll
15 spend more time on, I think we should really be
16 careful. And let me just say this: I know
17 there's been a debate as to how independent the
18 authorities are and how much latitude they have,
19 but let me just take it to 50,000 feet.

20 At the end of the day, you want to ask
21 yourselves, how do you want these quasi
22 businesses to function? Do you want them to
23 make business decisions or do you want them to
24 make political decisions? And the very nature
25 by which we put someone in those positions on

1 those boards will determine that in large
2 factor.

3 Let me walk you through a scenario that
4 would probably be different if it were not an
5 appointed board for an issue that I'm near and
6 dear to, and that's the JTA. Let's talk about
7 what the JTA has done for the past 20 years.

8 They've built J. Turner Butler Boulevard, a
9 very expensive but very critical road to this
10 community. That has been the growth corridor
11 and now houses a majority of the jobs in
12 Jacksonville. They built the Dames Point
13 Bridge, highly controversial, but was built by
14 the JTA. And also the Wonderwood Expressway.
15 These three big arteries.

16 Now, I'd ask you this: If that were a
17 political process and not a business process,
18 what would the outcome be? Well, I think it's
19 safe to say, with 14 districts fighting for
20 limited resources, the notion of this government
21 spending hundreds of millions of dollars on
22 either one of those corridors, it probably never
23 would have happened. That's my estimation.

24 But because the boards are driven in large
25 part by facts and merit, need, and not political

1 consequences, they are able to really make
2 freestanding decisions that I think are in the
3 best long-term interest. They are buffered
4 somewhat from the electorate, which I think when
5 you're trying to run a business is important.

6 And so, again, I think it comes back to the
7 notion, what kind of decisions do you want from
8 these quasi businesses?

9 Now, it is -- I think it's unfair to say
10 they're unresponsive to government or to the
11 citizens. We have two recent classic examples
12 where I think citizen engagement has certainly
13 delayed installed projects:

14 The extension of Craig runway has been put
15 on the back burner for more study, not because
16 the independent authorities are insensitive to
17 the public, because the process is working.
18 City Council engaged and asked that we do more
19 on that. The neighborhoods had concern, and
20 naturally that has not happened to date.

21 And I think the other example is the
22 Mayport terminal for the cruises. That is
23 something the Port Authority wanted to do, but
24 they have been sensitive to public demand, and
25 certainly the council has too.

1 So I would say in many ways the mayor and
2 the City Council has, you know, a direct hand in
3 the independent authorities. Many of them are
4 appointed by the mayor and the council and some
5 by the governor.

6 So, you know, if you look at the deals --
7 the JPA's ability to negotiate a deal with two
8 Asian carriers totalling hundreds of millions of
9 dollars of investment in our community, is it
10 something you want exposed to a political
11 process?

12 The fact that the Aviation Authority is
13 developing Cecil Commerce Center, their
14 interactions and engagements with businesses
15 seeking Jacksonville, quite frankly, should not
16 be a strictly political process; it should be a
17 business process.

18 The fact that, you know -- the examples
19 that I've listed on the JTA, projects that --
20 because they were in one district, would have a
21 hard time surviving the political process.

22 And, of course, the JEA and their efforts
23 to try to improve water quality in the St. Johns
24 River, with the waste treatment plants, and
25 health protection type investments that we

1 expect to serve the greater good for the
2 environment of Jacksonville, these are all
3 things that I think certainly are worthy of the
4 business process.

5 Office of General Counsel, moving right
6 along. I had the opportunity to hear some of
7 what Judge Durden said, and I thought he had an
8 interesting testimony.

9 Let me just say this: I think the Office
10 of General Counsel serves an important and
11 unique function in this government. It
12 eliminates the infighting among agencies, which
13 is often prevalent in most municipalities.
14 Governments by their nature like to fight, and
15 it is expensive and unproductive. We do not
16 move this government forward when we do that.

17 This is probably one of the smartest things
18 we did as a consolidated government is creating
19 the Office of General Counsel, which makes sure
20 the government agencies do not waste taxpayer
21 dollars and burn valuable time infighting over
22 things that mean very little to this community.

23 Now, I know there's a question as to how
24 close the OGC is to the mayor, how much time the
25 lawyers spend in my office, and let me just say

1 this: This is a strong mayor form of
2 government. The executive branch accounts for
3 about 80 percent of the work of the Office of
4 General Counsel. To think that we can make
5 policy decisions without the advice of a lawyer
6 is unrealistic, and I will never apologize for
7 having our General Counsel, either Rick Mullaney
8 or a subject matter expert, at my table. It is
9 impossible to move public policy initiatives
10 without legal advice in this county, or any
11 county for that matter.

12 Now, does this prohibit the General Counsel
13 from being able to represent other departments
14 in our organizations within the government? I
15 say not. I think there's no conflict there.

16 We are a major tenant, a major client for
17 the Office of General Counsel. And, of course,
18 you know, their time and energy is very
19 helpful. I think we've got one of the finest
20 law firms in the city working for this
21 government, and I think Rick Mullaney does a
22 good job. But it's really not about Rick
23 Mullaney; it's about the structure. And I think
24 the structure serves us well and, quite frankly,
25 is the glue that holds us together.

1 I've heard there are questions about term
2 limits on the General Counsel. You know, I
3 think Judge Durden had the best answer. You
4 wouldn't put term limits on the general counsel
5 of General Motors. The truth is institutional
6 knowledge is valuable. That's been my personal
7 experience in life, that, you know, there's a
8 lot of value in the knowledge accumulated over
9 time serving a particular industry or cause, and
10 I think that certainly is the case here in
11 Jacksonville.

12 Let's move on to the police chief and
13 school board. When I was running for mayor in
14 2003, I think there's -- I observed something
15 then that I think is safe to say is still true
16 today. The two biggest concerns that the voters
17 had in Jacksonville when I was campaigning over
18 840 squares miles was, number one, then,
19 education and, number two, public safety. I
20 think today it's probably swapped. I think it's
21 probably now, number one, public safety, and,
22 number two, education.

23 For a strong mayor form of government,
24 these are the two areas that I probably have the
25 least influence.

1 When it comes to education, I have no
2 policy or budget influence on what they do, and
3 I found myself trying to craft policy really
4 working around the system, and that's what gave
5 birth to a program that has been, I think,
6 enormously successful called Rally
7 Jacksonville.

8 What we decided to do is focus on an area
9 where we actually could influence, and that was
10 zero to five, an area where we knew we needed to
11 do work, and then -- and we would try to deliver
12 to the school system a more prepared student.
13 That was the route that was chosen because there
14 was very little else we could do with K through
15 12 in Jacksonville.

16 When it comes to public safety, very
17 similar. One-third of our budget -- one-third
18 of our budget in this government goes to the
19 sheriff, and he manages accordingly as a
20 constitutional officer, yet my experience as
21 mayor and as a candidate, this is an area that
22 I'm expected to have a great deal of influence
23 when it comes to protecting our quality of life
24 with two issues that I think are as important as
25 any that we have before us.

1 Let me just say this about our sheriff:
2 John Rutherford is someone that I consider a
3 friend. We campaigned together in 2003. He's
4 been a partner of mine. I think we share a very
5 similar view of the world. He has been a
6 phenomenal partner during Jacksonville Journey,
7 which is the first citizen-driven comprehensive
8 approach to crime fighting in Jacksonville. And
9 the truth of the matter is, the numbers are
10 supporting the effort. And while it's too soon
11 to know if the trend is a trend or just a bleep,
12 our murder rate is down about 22 percent over
13 this time last year. I think it's because of
14 the collective approach of all of us working
15 together, including the sheriff.

16 So if we were to have an appointed sheriff,
17 he's probably the guy I would appoint. And the
18 truth of the matter is, the voters have done a
19 good job seating good sheriffs, and I would
20 certainly point to Nat Glover and Sheriff
21 McMillan, all of whom I know and have had the
22 opportunity to work with.

23 So the voters have done a good job seating
24 good sheriffs, but the question is, in this
25 community, who is held accountable? Who is held

1 accountable for public safety? And I think
2 there's an expectation that the mayor has that
3 obligation.

4 So I don't know what is the right way or
5 the wrong way, but I do know this: This
6 community deserves the conversation. The
7 forefathers of consolidation certainly intended
8 for it to be an appointed position. I think
9 many have observed that it was a political
10 process and a -- in the form of a compromise
11 that we had an elected sheriff, and we should
12 have the conversation.

13 And while I don't have the answer, we are
14 one of a few cities in America that does not
15 have an appointed sheriff, and a third of our
16 budget goes there. So we should have the
17 conversation and it should be fact-driven, it
18 should be based on merit, and it should be based
19 on the principles of what do we mean by a strong
20 mayor form of government, what does that mean?

21 So for that reason, I support a
22 communitywide conversation, which I think a
23 ballot initiative would bring. There are strong
24 opinions on both sides. Let them bring their
25 best case and let's let the voters decide what

1 we think the answer is.

2 When it comes to the school board, my
3 thoughts are very similar. I have a lot of
4 respect for our members of the school board,
5 many of them are my friends. And I think the
6 voters have empaneled probably one of the most
7 effective boards we've had in many, many, many
8 years, but the truth of matter is this: In a
9 strong mayor form of government, should the
10 mayor have more influence for something he is
11 probably accountable for, he or she?

12 My observation is this: There are major
13 leading metropolitan areas that have chosen a
14 different route than Jacksonville has chosen. I
15 would point to Chicago, I would point to
16 New York, I would point to Boston, and most
17 recently Washington, D.C., where cities have
18 decided that an appointed board is better than
19 an elected board. And in talking to those
20 mayors and to those administrators, they believe
21 they are in better shape today than they were
22 prior to the decision to change.

23 Is it a panacea? Absolutely not. We need
24 to keep our expectations managed. There is no
25 panacea. Public education is probably one of

1 the most challenged institutions in our country
2 and there has yet to be a district that has
3 shown everyone how to do it right.

4 But what makes the incremental difference?
5 What makes the incremental difference and how do
6 we try to move our efforts to do a positive
7 change in a faster pace? The truth is there are
8 a lot of good things happening in our district,
9 a lot of good things. In fact, I think there's
10 more good things happening than we've had bad
11 happening, but that shouldn't shut us down from
12 the conversation.

13 If it is worthy of discussion and
14 consideration of change in other leading major
15 metropolitan areas, we should have some
16 information, we should have some facts and data
17 that could drive the conversation and the
18 debate. And, again, I think the ballot
19 initiative would force a conversation that is
20 worthy of debate in this community. Other
21 cities have done it. Let's learn from them.

22 Are they better? Are they worse? I don't
23 know, but I think there should be some
24 information to support both cases and let the
25 voters decide, so I would encourage the

1 conversation in that regard.

2 So those are -- you know, I've tried to hit
3 all the things that I think, you know, I've
4 heard you talk about, I've heard you inquire
5 about, and you've had subject matter experts
6 speak on those topics.

7 Again, this is a wonderful privilege you
8 have to address, you know, how to make our city
9 better, how can we tweak it to improve it, not
10 losing sight of the fact, of course, I believe
11 we have the most enviable form of government in
12 the United States of America. We are blessed to
13 have that, and anything we can do to tweak it
14 and make it better only makes us more
15 competitive.

16 And I think Jacksonville's future is very
17 bright. If you look at our amenities, our
18 assets, it's clear, even though we're in a tough
19 economy, the fundamentals here are going to
20 drive this community to great places.

21 We are in a place in the country where
22 people want to live. Our population is
23 projected to double in the next 30 years. We
24 have some of those precious natural resources,
25 including the river and -- the St. Johns River,

1 the Atlantic Ocean, and the largest park system
2 in America right here in Duval County.

3 We've got good people, we've got a
4 community that's dedicated to continuous
5 improvement as evidenced by a charter that
6 requires revision every ten years, and we have a
7 strong diversified economy, an economy that is
8 not dependent on any one sector, but
9 diversified. And let's not discount the
10 military presence, which is a huge part of who
11 we are. The closest thing we have to a
12 recession-proof business, it contributes about
13 \$12 billion a year to our economy.

14 So all these things being said, we live in
15 a great place. We have a great form of
16 government, and consolidation is one of the
17 things I always brag about when attracting
18 businesses here because you're one phone call
19 away from the mayor, where everyone works for
20 the mayor and we can move things much faster and
21 much more efficiently as we try to attract jobs
22 and encourage economic growth in our region.

23 So, with that, Mr. Chairman, I will turn it
24 over for questions.

25 THE CHAIRMAN: Thank you, Mr. Mayor.

1 I want to say on behalf of the commission,
2 we appreciate your time this morning and your
3 insight. And clearly you have been following us
4 closely, and so I'm sure we are appreciative of
5 that.

6 So let me start with that. I will start
7 off with soliciting your opinion on one other
8 item that we talked about very recently, and
9 that is the issue of staggered terms for City
10 Council and the issue of is two terms enough,
11 and then just to solicit your thoughts.

12 MAYOR PEYTON: It's a good question.

13 Two thoughts. One is I think we absolutely
14 should have staggered terms. One of the
15 challenges we have, like the budget story that I
16 told you, is that when you have an entire class
17 of new council members coming in, all equally
18 uninformed, it puts an onerous burden on the
19 administration to try to bring them up to speed
20 as quickly as we can, and we take that
21 assignment very seriously. We have a very big
22 orientation presentation and time with
23 department heads. But if we had a staggered
24 calendar, I think we'd do a better job and you
25 wouldn't have the risk of having so many folks

1 on council that are not understanding the issue
2 to where you actually vote things down that are
3 right for this community, and not out of
4 opposing what's on the table, but lacking
5 understanding or appreciation for the complexity
6 of the issue at hand.

7 So, you know, I think the staggered deal is
8 a must. I really believe it's a must.

9 As for length of term, this is the
10 challenge with the legislative branch. It is a
11 part-time job. They are, you know, serving in
12 many ways like a board of directors for a
13 billion-dollar company, probably more engaged
14 than most boards, and they're setting policy.
15 And the truth of the matter is institutional
16 knowledge is valuable, and I think the more time
17 a council member has the better. I don't think
18 we should have unlimited terms, but I think, you
19 know, the notion of maybe two six-year terms or
20 three terms should be -- should be considered in
21 this community.

22 Now, there's a visceral reaction among many
23 for anything, any more time of a politician in
24 office, but I think we are disadvantaged when we
25 do not have council members that really have a

1 good working knowledge of the government.

2 And it takes time, it takes time. It is
3 unrealistic to think you can step into place and
4 be a meaningful contributor for a billion-dollar
5 operation without having time under your belt,
6 and so I would support a longer experience on
7 council members in our government. Two six-year
8 terms, I think, has a lot of appeal, but, if
9 not, three four-year terms.

10 Jim.

11 THE CHAIRMAN: Thank you.

12 MR. CATLETT: Mr. Mayor, the reason that I
13 was pushing so hard for the three four-year
14 terms was so we could elect six of them every
15 time. That would -- I hadn't got to part two
16 yet with the staggering, but six every time and
17 seven one time would solve the staggering
18 problem without total turmoil. You'd have
19 two-thirds of them that knew what they were
20 doing.

21 MAYOR PEYTON: Right.

22 And that's -- you know, the devil is in the
23 details, and I think you need to accomplish
24 both, in my opinion. And if it's easier to do
25 it with three terms, you know, then it's

1 12 years either way.

2 You know, as someone who's run for office,
3 the notion of having fewer elections is very
4 attractive. And for those who donate to the
5 candidates, I'm sure it's attractive to them
6 too.

7 MR. CATLETT: But the two six-year terms
8 doesn't solve the staggering problem.

9 MAYOR PEYTON: That's exactly right, unless
10 you do something really unusual and say, look,
11 you're going to run for, you know, three years
12 or four years or two years. I mean, you'd have
13 to impose an unusual term limit on each of those
14 candidates to get to the staggered position, no
15 doubt.

16 THE CHAIRMAN: Commissioner Oliveras.

17 MR. OLIVERAS: Thank you, Mr. Chairman.

18 Thank you for being here with us today,
19 Mr. Mayor.

20 I have two questions for you. The first
21 one is related to ethics, the ethics office, the
22 Ethics Commission. What is your view? Can you
23 share with us how you view the possibility of
24 more fully integrating the independent
25 authorities into the same system, maybe that all

1 the City agencies and units have the same system
2 for ethics, and where we should go with that?

3 MAYOR PEYTON: You know, I know there's
4 been a lot of discussion on the independent
5 nature of the Ethics Commission. And, to me,
6 it's more of a "who" rather than "what." I
7 think as long as you have a competent leader in
8 the ethics office -- and I would point -- Carla
9 Miller is probably one of the foremost
10 authorities in the country on ethics and the
11 (inaudible) environment, and board members that
12 are committed.

13 You know, I have yet to see a situation
14 where our office has, you know, failed to follow
15 on an ethics complaint or to take action on an
16 ethics violation. There's no indication that
17 any of that has ever happened, so it begs the
18 question, is it broken?

19 And, again, we have also, you know, the
20 State Attorney's Office, which is -- that is the
21 investigative arm and that is the place you go
22 if there's a problem. And, of course, you've
23 got a State Ethics Commission. So it's not like
24 we are unmonitored. You know, we have plenty of
25 layers, so . . .

1 You know, my observation is we have a
2 pretty good structure and I don't see there are
3 any major failings of it.

4 That's my opinion.

5 MR. OLIVERAS: Thank you.

6 A question about education and the school
7 board. I asked this question perhaps -- I'm
8 paraphrasing right now -- of board members when
9 we met earlier in this process.

10 MAYOR PEYTON: School board members?

11 MR. OLIVERAS: School board members.

12 How they viewed their communication with
13 the other stakeholders. I mentioned the mayor,
14 yourself, the City Council members and the
15 school board members all being stakeholders in
16 education for Jacksonville, and the comments
17 were that communication had not been up to their
18 expectations, but it's gotten better
19 essentially.

20 I'm wondering if that's your view, and is
21 there something that we can do here, a
22 structure, something that could be put in place
23 because you are a huge stakeholder in this
24 process and the City Council is. And, you know,
25 Jacksonville at large, we -- you know, education

1 has been a number one issue for us and for a lot
2 of voters and citizens.

3 What can we do if -- if the communication
4 is not there, to improve that, or is there
5 something we can do by means of a structure to
6 enhance that communication?

7 MAYOR PEYTON: Well, I think, you know,
8 what -- I'll tell you what I've tried to do.

9 Coming out of the campaign in 2003, the
10 number one issue by a large margin was
11 education, and so I've really made an effort to
12 focus on that. The first -- one of the first
13 things I did as mayor is I went and met with the
14 school board within the first week of being in
15 office to say, look, you know, we're in this
16 together, it's a partnership, and whatever we
17 need to do to work together to solve some of the
18 education challenges, we're here. And then
19 we've had regular meetings -- I meet regularly
20 with the board chair and the superintendent. In
21 fact, we just met with Tommy Hazouri, who's the
22 outgoing board chair, this week.

23 We've done all we can to try to, you know,
24 ensure conversation and dialogue, but, you know,
25 the truth of the matter is I think the

1 relationship has never been better, but that
2 doesn't mean there's more influence really, and
3 the question is, does the structure lend itself
4 for the kind of cooperation and accountability
5 that the community expects.

6 MR. OLIVERAS: Thank you.

7 THE CHAIRMAN: Commissioners.
8 Commissioner Miller.

9 MS. MILLER: Through the Chair, thank you,
10 Mr. Mayor, for being here and for your comments
11 today.

12 I've got one other question. Do you have
13 any opinion on whether or not the other
14 constitutional officers should be appointed or
15 elected?

16 MAYOR PEYTON: I knew you were going to ask
17 that question, and this is my observation: I
18 don't have a strong opinion. I would consider
19 the other constitutional offices to be important
20 administrative roles, but not transformational in
21 this city.

22 Public safety and education are
23 transformational issues that absolutely affect
24 our competitiveness as a region. How well we
25 run the elections -- not to diminish what they

1 do, but how well we run the elections or collect
2 our taxes or raise [sic] our property is not
3 what I consider transformational.

4 I think it was the original intention of
5 the forefathers to have these appointed
6 positions and to have them function as
7 department heads, and that would probably be my
8 leaning, but, again, I don't see those as
9 critical as the other issues.

10 THE CHAIRMAN: Commissioner Miller, do you
11 have a follow-up?

12 MS. MILLER: No.

13 THE CHAIRMAN: Commissioner Catlin.

14 MR. CATLIN: Commissioner Miller grabbed my
15 question.

16 THE CHAIRMAN: Okay. Commissioner Korman.

17 MS. KORMAN: Following along with
18 Commissioner Miller's, how would you -- do you
19 think the mayor should appoint all those
20 positions, meaning property appraiser -- if we
21 end up going and recommending that and that goes
22 through, supervisor of elections, or should it
23 be a different type of structure that would
24 appoint --

25 MAYOR PEYTON: You know, I think if it were

1 to be different, I think these functions of
2 government would operate more like a department
3 head and it would require council
4 ratification -- appointment and council
5 ratification.

6 MS. KORMAN: Appointment by the mayor?

7 MAYOR PEYTON: By the mayor, not unlike we
8 do with, you know, Public Works, parks,
9 libraries, things of this nature. The library
10 is a little bit different, but like other
11 department heads.

12 THE CHAIRMAN: Commissioner Catlett.

13 MR. CATLETT: Mayor, are there issues that
14 we haven't discussed that you think we ought to
15 address as a body?

16 MAYOR PEYTON: I think the challenge of
17 this group is focused. I think you're -- the
18 clock is running out. You need to decide
19 collectively what are the big issues of the day
20 and start rallying around that and really doing
21 your homework.

22 And I think I -- I would be hesitant to put
23 any other issues on the table. You have plenty
24 of issues. I think you've been ambitious in
25 your scope, but I think to be effective you're

1 going to have to -- you're going to have to
2 reign it in to bring this is in for a landing,
3 so I would encourage a narrower, not broader,
4 focus.

5 THE CHAIRMAN: Commissioner Youngblood.

6 MR. YOUNGBLOOD: Thank you, Mr. Mayor. I
7 appreciate you being here.

8 Is there a cost savings in an appointed
9 chief of police or public safety director --
10 whatever you -- position or title you put on
11 it -- over an elected official?

12 You spoke to it as being one-third of the
13 budget. Is there some cost savings by having
14 someone in that appointed position?

15 MAYOR PEYTON: Interesting question.

16 I think what I would encourage you to do,
17 or the commission to do, is to analyze budget
18 growth in cities that have an appointed versus
19 an elected sheriff. That would probably be the
20 best way to answer that question.

21 I think there would be more control over
22 the budget if it were an appointed position, not
23 unlike the way the fire chief is selected today
24 and the fire budget is determined today.

25 MR. YOUNGBLOOD: More control from the

1 aspect of a strong mayor position or more
2 control over that department head?

3 MAYOR PEYTON: Well, I think what you have
4 in an appointed environment is you have more
5 competition for the dollar.

6 Right now, because the sheriff is a
7 constitutional officer, many of their requests
8 are held sacrosanct and they don't compete like
9 everything else. Right now everyone else
10 competes. But because you have a constitutional
11 officer who's voted by the voters -- approved by
12 the voters, they have the right to be indignant
13 if they don't get their way. And that's their
14 right and I'm not judging that, but I don't
15 think you'd see that as much in an appointed
16 environment.

17 MR. YOUNGBLOOD: Thank you.

18 THE CHAIRMAN: Just to follow up on that
19 observation, Mr. Mayor. When he first came to
20 speak to us, the sheriff gave the opinion that
21 public safety was endangered by an appointed
22 fire -- head of the fire department versus an
23 elected. I asked him that question, do you
24 think having an appointed fire chief endangers
25 public safety, and he said yes.

1 MAYOR PEYTON: Having an appointed fire
2 chief?

3 THE CHAIRMAN: Head of the fire department,
4 yes.

5 Do you have any thoughts on that?

6 MAYOR PEYTON: I don't know that I agree
7 with that. And if that's the case, every city
8 in America is in danger.

9 THE CHAIRMAN: Thank you.
10 Commissioners.

11 MS. O'BRIEN: I have one.

12 THE CHAIRMAN: Vice Chair O'Brien.

13 MS. O'BRIEN: In regards -- thank you,
14 Mayor.

15 In regards to the pension and what's
16 written in the charter -- and you're probably
17 not as familiar with it as I am because I've
18 been studying that -- I understand your
19 recommendation.

20 I thank you, first and foremost, for some
21 very pointed opinions that you have made, not
22 only on the pension but from ethics to the
23 police chief and school board. I appreciate
24 your very forthright speaking today.

25 But when you look at this, do you see

1 different pension plans for different levels of
2 employees within the City; i.e., correctional
3 officers, fire and police officers, and then
4 civil servants?

5 MAYOR PEYTON: Like Public Works, yeah.

6 Yeah, I think certainly you have a high
7 risk designation, which I think is legitimate.
8 You have people that are putting themselves in
9 harm's way every day, taking extraordinary risks
10 to keep us safe, and then I think you have
11 everyone else. And I think that they should be
12 treated differently, and I wouldn't suggest
13 changing that. What I'm suggesting is we
14 basically reset the clock on benefits across the
15 board, and that includes high risk designation
16 and includes all the other general employees in
17 unions as well.

18 MS. O'BRIEN: And then just in follow-up,
19 your recommendation of -- or your potential
20 recommendation of a cap on benefits until we're
21 funded 110 percent, I'm assuming -- incorrectly
22 or correctly -- that this is based on whatever
23 comes out of the negotiations that are ongoing
24 right now?

25 MAYOR PEYTON: I would say that they're

1 mutually exclusive. What comes out of the
2 collective bargaining process will basically be
3 a trajectory change. It will not be a payoff.
4 So this is a long-term challenge, and I think
5 basically what it says to future mayors and
6 future council members is, look, until we're
7 funded, no benefits.

8 The challenge we have with the pension, it
9 is very easy for a mayor or a council to grant
10 benefits that will not come home to roost for
11 five, ten, fifteen, twenty years. It is too
12 easy. And in an environment where unions curry
13 a great deal of political favor, it is a
14 political fodder at times to grant benefits to
15 curry favor.

16 So I think having a communitywide
17 standard -- and that's what this is -- a
18 communitywide standard in our charter that
19 cannot be overturned by ten votes on council is
20 important.

21 MS. O'BRIEN: And then one last question,
22 if that's okay.

23 I come from a military background. My
24 father was in the Navy. And, in that case,
25 depending on his job, he had a hazardous duty

1 pay while he was serving. It's my
2 understanding, though, that his pension is set
3 on a proportion of his -- or a percentage of his
4 salary, and the pension isn't based on whether
5 he had a hazardous duty job or not at the time
6 because, obviously, within the military you
7 change. Sometimes you have an office job,
8 sometimes you have -- in his case, he was on a
9 submarine.

10 Are our current officers paid a hazardous
11 duty while they're serving or is their pension
12 reflective of their hazardous duty --

13 MAYOR PEYTON: As I understand it -- and
14 I'm not an expert on this, but, as I understand
15 it, we have two designations, high risk and
16 non-high risk. And if you were in the line of
17 fire, so to speak, in uniform, where you're
18 putting yourself in harm's way, you are in a
19 different classification. And yes, your
20 benefits are different; yes, your pension is
21 different; and everything you get is different.

22 The police and fire pension is drastically
23 different from general employees because of the
24 high risk designation. And, by the way, that is
25 where most of the liability is housed. The

1 liability is housed in police and fire, not so
2 much in the general employees.

3 MS. KORMAN: And I have -- I am not
4 knowledgeable at all of this pension, but just a
5 follow-up question.

6 Would it be fair or not fair for the people
7 who are in the line of duty to get paid a
8 salary, like Commissioner O'Brien was saying,
9 during that duty, but their pension shouldn't
10 reflect it, shouldn't reflect a hazardous pay?
11 I mean, is that -- is that a possibility?

12 MAYOR PEYTON: I think -- you know, I think
13 certainly there is consideration in pay, but you
14 have to look at the whole ball of wax. I think
15 that's your point. You have to break down the
16 entire compensation package, including pay and
17 including pension. And, for that reason, we try
18 and negotiate all that together.

19 By the way, that was something new. Before
20 coming into office, they were negotiated
21 separately, and that was not in the taxpayers'
22 best interest. We have to look at all of it
23 collectively. But, again, there is -- there's
24 special consideration for those who put
25 themselves at risk.

1 THE CHAIRMAN: Commissioner Oliveras.

2 MR. OLIVERAS: Thank you, Mr. Chairman.

3 A follow-up on the pension, Mr. Mayor.

4 By resetting the clock with the pensions
5 for new future employees, what kind of
6 percentages are we talking about to reach the
7 savings we need to -- to recoup those losses?

8 MAYOR PEYTON: The number that I can share
9 with you is about \$1.3 billion over 30 years. I
10 don't have percentages, but that's the -- that's
11 the --

12 But, listen, that is making one very big
13 assumption, and that is the assumption that
14 future councils and future mayors grant no new
15 benefits. And I will tell you, that is
16 unlikely.

17 MR. OLIVERAS: But I guess my pointed
18 question is that -- for rank and file officers,
19 police officers, firefighters -- and this is
20 kind of personal for me because as hard as I've
21 tried, I've got a high school senior who wants
22 to follow me as a police officer to the point
23 where my wife has said, "Let him alone."

24 But what does this mean for my son? I
25 mean, pay structure, pension structure, what

1 kind of cuts? Because it would have to be, in
2 my mind, somewhat significant to reach these
3 types of reduction.

4 MAYOR PEYTON: Those are -- pay and pension
5 are two separate issues. There are two issues
6 being worked through the system. There's --
7 council has requested a 3 percent pay cut that
8 is a part of collective bargaining, and then
9 there's a pension reform package as well.

10 As to what it looks like for your son, I
11 can't tell you line by line what it looks like,
12 but I will tell you that we cannot afford the
13 benefits we've been granting and they will be
14 reset, hopefully. And that means working more
15 years, you know, less benefits for those years,
16 a different formula by the calculation -- you
17 know, how many years of service, you know,
18 determines what the average pay is, spousal
19 benefits, all these things. And if you'd like
20 to see what we're proposing at collective
21 bargaining, I can certainly share that with you.

22 MR. OLIVERAS: Thank you.

23 THE CHAIRMAN: Commissioner Austin.

24 MR. AUSTIN: Mayor, I would like to add my
25 thanks. I think you've helped us a great deal

1 in -- the newspaper recommended that we set
2 priorities, which we had already agreed to do,
3 but we -- I think you've been -- your testimony
4 has been very helpful in helping us set
5 priorities.

6 I heard from you, I think, that you think
7 education is the big ticket, the big item?

8 MAYOR PEYTON: That's right. I think
9 that's the biggest challenge our community
10 faces.

11 MR. AUSTIN: Do the appointed positions,
12 especially the sheriff, do you rank that high as
13 a priority?

14 MAYOR PEYTON: I think the two things that
15 threaten our future and our future
16 competitiveness is our K through 12 performance
17 and our track record on murder. Those are the
18 two things -- when we go to recruit jobs, how
19 well do you educate your children and how safe
20 is this community to live in. And if you look
21 at just the raw numbers of the performance --
22 and there's a lot of work being done to improve
23 public education, but if you look at the raw
24 numbers, they're startling -- startling
25 realities as to the performance of K through 12

1 in the public sector, and the fact that we've
2 led the murder rate for ten consecutive years in
3 the state of Florida gives rise to is this a
4 safe place to raise a family and grow a
5 business. So those are the two issues I would
6 say are the most important today.

7 MR. AUSTIN: Thank you.

8 They really don't -- I heard you address
9 this, but I'm not sure of your answer. The
10 original commission -- some 75, 80 people
11 studied this for about a year and a half,
12 recommended that the -- that for stated reasons,
13 of getting people with expertise and so forth,
14 that the property appraiser, tax collector,
15 supervisor of elections and the sheriff, which
16 we've already discussed, be appointed by the
17 sheriff [sic] in order to bring it all
18 together. Do you agree with that?

19 MAYOR PEYTON: I agree. And I -- you know,
20 I think the school board and the sheriff really
21 warrant the conversation. I don't feel as
22 strongly about the other constitutional
23 officers, but no doubt, I think it was the
24 original intent under a strong mayor form of
25 government that those functions would be

1 appointed. You could go and recruit the skill
2 set necessary to excel in those particular
3 disciplines. So, yeah, I would lean toward
4 appointed, yes.

5 MR. AUSTIN: One of my pet peeves I'm going
6 to bring up here. We haven't discussed it in
7 some time, but in the -- looking at the revenue
8 from the JEA, the study -- I'm going to read one
9 little short paragraph here.

10 "The study commission is keenly aware of
11 the increase in pressure in local tax" -- "for
12 local government tax dollars and, consequently,
13 feel every precaution should be taken to assure
14 a continued high electric revenue margin which
15 can be used for general governmental purposes."

16 They put that as a -- as a reason. There
17 was actually a -- and prior to consolidation,
18 when we had a core city, it was given about 70,
19 75 percent of the budget, which, of course, we
20 can't do that, but do you feel that that's a
21 high enough priority over at the Electric
22 Authority?

23 MAYOR PEYTON: This is my observation on
24 the JEA: We have concurred that we'd like to
25 have more revenue from them, and the route we

1 have chosen to pursue that is with a franchise
2 fee, and that's basically a 3 percent surcharge
3 on all utility bills.

4 Given the fact that the JEA is a
5 capital-intensive business and requires
6 extensive reinvestment, my concern is if we pull
7 any more out of their operating fund, we
8 actually inhibit their ability to be a
9 competitive utility.

10 It is important they continue to invest and
11 reinvest in their operations, so what we've
12 chosen to do is pursue the franchise route. And
13 while our franchise fee is only 3 percent, most
14 communities in the state and even across the
15 country are 6 percent, so we're still --

16 MR. AUSTIN: How much?

17 MAYOR PEYTON: Six percent in most
18 communities. We're 3 percent.

19 MR. AUSTIN: That's a lot of money, isn't
20 it?

21 MAYOR PEYTON: That's a lot of money, yeah.

22 The JEA contributes a substantial portion
23 to our budget. I don't know the exact number
24 here today, but they are a major contributor to
25 our budget today.

1 MR. AUSTIN: My -- I think my real question
2 is, isn't there some way that the mayor and the
3 City Council can periodically determine what
4 they should be giving us?

5 MAYOR PEYTON: Yes. Through a super
6 majority, the City Council can reset the charter
7 of the JEA any day. So there is --

8 MR. AUSTIN: There's existing authority to
9 do it, we just aren't doing it?

10 MAYOR PEYTON: The charter of the JEA can
11 be amended by two-thirds vote of the council at
12 any time.

13 MR. AUSTIN: But without even amending the
14 charter, don't you have the power over their
15 budget to -- to require --

16 MAYOR PEYTON: We do have approval
17 authority over their budget as an independent
18 authority, but the real -- the real motion would
19 be any movement you are seeking would be through
20 the charter itself for the JEA, in the periodic
21 negotiations by which we determine their --
22 basically their compensation.

23 Remember, we own the JEA, so we expect a
24 dividend of ownership and we negotiate what we
25 think is fair and reasonable. Their argument,

1 of course, would be we want the money for
2 reinvestment to keep this utility competitive.
3 Our argument is we have a lot of needs to meet,
4 we'd like to have more revenue, we don't want to
5 tax our people. And we go back and forth, we
6 negotiate what we think is for the greater good.

7 But, again -- you know, I -- there's a side
8 of me -- and I will tell you, I've had
9 frustrating moments with every authority.
10 That's the nature of, I think, the
11 relationship. I call it dynamic tension, not
12 necessarily bad, but appropriate.

13 All in all, the JEA should be run like a
14 business. It is a business. And I will tell
15 you, if it were left to elected leaders running
16 for reelection, to raise utility rates, do you
17 think it would have happened? Probably not.
18 And that would have been to the detriment of the
19 Authority.

20 Considering their cost of energy and their
21 debt burden, it would be -- it would put them in
22 an extraordinarily bad place if they had not
23 raised rates or had the flexibility to do so.
24 And these board members, because they're not
25 under political pressure, they serve at the

1 pleasure of the mayor, could make the best
2 business decision.

3 I've put some of the smartest people I know
4 on that board. Some of them are very close
5 friends. I've had some of the worst arguments
6 I've had in office with some of my closest
7 friends over disagreements on policy, but it
8 tells me, you know, they're looking after the
9 agency, and I think that's probably a good
10 thing.

11 THE CHAIRMAN: Commissioner Eichner.

12 MS. EICHNER: Mayor, thanks for being
13 here. It's great to see you.

14 I just have one quick question. We've
15 talked a lot today about several ballot
16 initiatives. Would you give us your ideas on
17 which ballot you think those initiatives should
18 go on? I mean, ultimately we may make a
19 recommendation to council and that's going to be
20 a thought, so I'm just wanting -- looking for
21 your thoughts on that.

22 MAYOR PEYTON: I have not put any thought
23 into which ballot it should go on, but -- I
24 would be willing to do so, but I'd have to --
25 I'd have to think about that. And I'm not even

1 sure what all the options are, so -- that's more
2 of a political question, so -- but I'd be happy
3 to go through that exercise, but I -- today I
4 don't know what would be best.

5 THE CHAIRMAN: Commissioner Herrington.

6 MS. HERRINGTON: Good morning, Mayor.

7 As you speak about public safety here this
8 morning, one of the issues that has come up a
9 few times in our meetings on public comment is a
10 citizen review board --

11 MAYOR PEYTON: Yes.

12 MS. HERRINGTON: -- of the actions of the
13 Jacksonville Sheriff's Office. What's your view
14 on that?

15 MAYOR PEYTON: You know, I support the
16 sheriff on his position on that. If you look at
17 citizen review boards across the country,
18 they're usually far more lenient than the system
19 we have in place. Citizens typically are more
20 lenient than those that are appointed with a
21 professional background on perceived bad
22 decisions, bad policies or indiscretion, so I
23 think the sheriff is probably on target there.

24 That's not to say that there is not a way
25 to have more public engagement on a policy level

1 with the sheriff's office, and I think there's a
2 way to reach out. When it comes to disciplinary
3 measures, I'd rather have trained professionals
4 looking at those cases versus citizens without
5 the background, so . . .

6 I recognize -- I think -- I think the
7 challenge we have is a lack of trust in the
8 department, and I don't know that the citizen
9 review board is the way to get that back. I
10 think we need more community dialogue and
11 interaction on the front end, not after
12 something bad happens.

13 THE CHAIRMAN: Commissioner Deal.

14 MS. DEAL: Good morning, Mayor.

15 MAYOR PEYTON: Good morning.

16 MS. DEAL: With respect -- going back to
17 the Ethics Commission and that discussion,
18 you -- I just want to make sure that I'm clear
19 on this. You feel that the Ethics Commission,
20 in its current form, current structure is
21 meeting the role that you intended when you put
22 together the commission in the first place --

23 MAYOR PEYTON: That's correct.

24 MS. DEAL: -- is that correct?

25 MAYOR PEYTON: That's correct.

1 MS. DEAL: Okay.

2 MR. AUSTIN: Mayor, I think I thanked you.
3 Your testimony has been very, very helpful.

4 MAYOR PEYTON: Thank you, Mayor. Good to
5 be with you.

6 MS. GARVIN: (Indicating.)

7 MAYOR PEYTON: Yes.

8 MS. GARVIN: Thank you, Mr. Mayor, for
9 being here.

10 On the question of the Ethics Commission --

11 THE CHAIRMAN: Beverly, can you use the
12 microphone?

13 MS. GARVIN: I'm sorry.

14 On the question of the Ethics Commission,
15 I'm -- I'm having a little bit of a problem
16 understanding. They're asking for more. They
17 want to be put back into the charter. It was
18 taken out of the charter. How do you feel about
19 that?

20 MAYOR PEYTON: The question is, is it
21 broken, what has the Ethics Commission failed to
22 do? And my observation is they have not failed
23 to follow through on any complaints and they
24 have not failed to take action on any
25 violations, so that is -- that is the question.

1 We've got, I think, one of the most capable
2 ethics officers in the country in Carla Miller.
3 We have a board that is deeply committed, and so
4 I think -- and, by the way, you know, we've put
5 more into the Ethics Commission under my
6 administration than probably any as far as, you
7 know, actually ramping up a full-time ethics
8 officer and empowering that position more than
9 it has ever been empowered, but I think -- I
10 think they're doing a good job, and today I
11 would not say it's broken.

12 By the way, every agency and every
13 department wants more. That is -- show me one
14 that doesn't want more.

15 MS. GARVIN: We've heard that.

16 MAYOR PEYTON: Computer people want more
17 computers, judges want more robes. I mean, it
18 just goes on.

19 THE CHAIRMAN: Commissioners.

20 Commissioner Youngblood.

21 MR. YOUNGBLOOD: Mr. Mayor, excuse me for
22 my ignorance, but on the current ethics
23 structure, obviously not broaching the topic of
24 subpoena power, but their current structure, are
25 they afforded the opportunity in the independent

1 agencies to do any sort of review and is there
2 any common thread that they should all be
3 abiding by the same code of ethics within those
4 independent authorities?

5 MAYOR PEYTON: The State authority -- the
6 State Attorney's Office has a subpoena power,
7 and that really is -- that is the agency. If
8 there is something egregious occurring in this
9 government, they are the ones that are going to
10 investigate it, and they should investigate it.
11 You've got the State Ethics Commission that
12 certainly has the power to investigate, so,
13 you know --

14 It's interesting. You know, the debate in
15 our office was, why do we need an Ethics
16 Commission? We have the State Attorney's
17 Office. They have people assigned to public
18 corruption. Why are we creating duplicity?

19 But the truth of the matter is I think it
20 is something worthy of having more of in the
21 government. We have put more in, so -- but
22 that's what the State Attorney has, is the
23 subpoena power, and do we need the redundancy of
24 that would be my question.

25 MR. YOUNGBLOOD: Well, is it possible to

1 have some sort of transparent form of ethics
2 that each of them have to meet the same common
3 denominator, a standard across the board?

4 We have the Ethics Department and a clear
5 ethics code here in the City of Jacksonville,
6 but each independent agency has their own.
7 Shouldn't there be a greater standard that all
8 of them have to abide by that exact standard --

9 MAYOR PEYTON: Certainly.

10 MR. YOUNGBLOOD: -- since they're a part
11 of --

12 MAYOR PEYTON: Certainly. Consolidated
13 government, and I -- certainly. And I think,
14 you know, there is an ethics standard by every
15 agency, and I think our Ethics Commission has
16 been a valuable resource to the agencies through
17 time.

18 MR. YOUNGBLOOD: Thank you.

19 THE CHAIRMAN: All right. Thank you very
20 much, Commissioners.

21 Thank you, Mr. Mayor.

22 MAYOR PEYTON: Thank you all for what
23 you're doing. Look forward to seeing your
24 report in three months and then going from
25 there.

1 Thank you, Mr. Chairman.

2 THE CHAIRMAN: Thank you, Mr. Mayor.

3 Well, Commissioners, as we talked about
4 last week and at the beginning of the meeting,
5 now what I'd like to do is take some time to
6 discuss among ourselves -- as the mayor pointed
7 out, we've covered a lot of issues. We've
8 covered all the issues that we identified at the
9 beginning, except for pensions, and I'd like to
10 see your thoughts on what we could spend the
11 rest of our time focusing on in detail to
12 present to the council in our report.

13 Just as an added data point for that
14 discussion and to what we've heard today, I met
15 yesterday with John Delaney, our former mayor,
16 obviously, and talked with him about these
17 issues. And it was his considered opinion that
18 the sheriff should be appointed, and he's
19 willing to come testify to us on that basis and
20 authorized me to share that with you. He also
21 supported education reform as an issue that we
22 could look at and the issue of more money from
23 the JEA, so --

24 MS. GARVIN: I'm sorry. Say the last one.

25 THE CHAIRMAN: More money from the JEA to

1 the general fund.

2 So I wanted to share those additional items
3 with you before we begin our discussion today,
4 and really I intend this to be somewhat
5 freewheeling, free form, so whoever would like
6 to go first.

7 Vice Chair O'Brien.

8 MS. O'BRIEN: I might be doing this in
9 reverse order, but one that I would suggest that
10 we knock off of our priority list are the
11 independent authorities.

12 I'd like to make note I serve on no other
13 independent authority besides the Charter Review
14 [sic] Commission, but I think the points that
15 have been made throughout the whole process, the
16 fact that they need to make business versus
17 political decisions, that their decisions are
18 based on facts, needs, merit, and not political
19 aspects, and, lastly, the fact that three out of
20 the four independent agencies do not basically
21 take a City's budget dime, only the Port
22 Authority actually asks for City money.

23 To me, I believe that they are working very
24 successfully for our cities, and that while
25 there may have been concerns in the past, I

1 think those are more personality concerns as
2 opposed to a structure of government concern,
3 and I would recommend that they are functioning
4 as intended and that we remove them from our
5 priority list.

6 MS. DEAL: Second. I second.

7 THE CHAIRMAN: Okay. We have a motion and
8 a second on that, but let's have some more
9 discussion.

10 MS. KORMAN: I just have a question, if I
11 may.

12 THE CHAIRMAN: Yes.

13 MS. KORMAN: If we feel other -- I mean, do
14 we want to roll this all into one or do we want
15 to piecemeal them?

16 THE CHAIRMAN: I'm not sure what you mean
17 by roll them all into one.

18 MS. KORMAN: You know, like if I feel the
19 same way about, you know, whatever it may be
20 also, do we want to individually take up the
21 issues, or if I have an issue also I think we
22 should remove off the table, do we want to do it
23 all at once?

24 THE CHAIRMAN: I think the approach of
25 deciding, okay, here's what we had in our

1 initial issues list --

2 MS. KORMAN: But just do one at a time?

3 THE CHAIRMAN: Right.

4 MS. KORMAN: Okay.

5 THE CHAIRMAN: To respond to that, I tend
6 to agree with you, with all of the agencies,
7 with the exception of JEA. I think we should
8 continue to look at the issue of can they afford
9 to give us more money, and then certainly hear
10 from them on that, hear from the Council
11 Auditor's Office on that. There are other
12 people I think we could hear from on that
13 issue.

14 But as to the JTA and the JPA and JAA, I
15 agree. I mean, we've heard their positions, and
16 I don't know that there's much more that we can
17 do.

18 MR. YOUNGBLOOD: Mr. Chairman, are there
19 issues that we can essentially bring to a
20 culmination so we can strike them off the list
21 and essentially -- it looks like we're making
22 ground nonetheless, even if it's looking at
23 retrospect, that we've made a decision and we've
24 gone to the next issue? Because there's so much
25 within our scope and so many decisions that need

1 to be made that we can start --

2 THE CHAIRMAN: I think that's --

3 MR. YOUNGBLOOD: -- voting on, like
4 election laws or the reform that we'd looked at
5 earlier. I guess the same sentiment to
6 Commissioner O'Brien.

7 THE CHAIRMAN: Right. I think that's what
8 we're doing. We're just deciding this is not an
9 issue we need to continue talking about or
10 looking at or spending time on going forward.

11 We're doing it somewhat by process of
12 elimination, but we can get -- once perhaps we
13 finish with -- okay, we know we don't want to
14 talk about these, then we can talk about --

15 MR. YOUNGBLOOD: I just -- I'm not sure
16 what kind of overlap we're going to have. For
17 instance, I brought the question to the mayor
18 earlier, is, should we put something in place
19 across the independent agencies that is a
20 standard of ethics that we all -- they're all
21 accountable to the same national standard?

22 Currently, they're all very splintered and
23 they have their own opinions, and -- and that's
24 okay, but should there be at least a
25 far-reaching, transparent code of ethics for all

1 of them?

2 And I don't want to close that door and
3 then come back and revisit that ethics question.

4 THE CHAIRMAN: Sure.

5 This may say more about my procedural
6 approach to the problem, but I would say if we
7 decided we don't want to talk about the
8 independent authorities, other than JEA, that
9 would not -- ethics is a separate issue --

10 MR. YOUNGBLOOD: Okay.

11 THE CHAIRMAN: -- and so that would not be
12 something -- okay, we can't subject these
13 independent authorities to an ethics code. I
14 see that as a separate topic.

15 MR. YOUNGBLOOD: Okay. And also I'd like
16 to add -- we've heard from all the interested
17 parties in appointing a sheriff. Can we speak
18 to an appointed sheriff, an appointed chief
19 somewhere? And I've asked this several
20 occasions. Is there one that we can invite to
21 come and see how he interacts with his mayor and
22 what difficulties he's incurred?

23 THE CHAIRMAN: The way I envision this is,
24 today we decide what do we want to talk about in
25 even more detail going forward, and then we

1 would have -- we would schedule a speaker like
2 that, on that issue.

3 MR. YOUNGBLOOD: I don't know of one right
4 off, but I'm certain that we could find one.

5 THE CHAIRMAN: Right.

6 And, by the way, the sheriff called me a
7 couple of weeks ago and asked for the
8 opportunity to come back and address us on this
9 issue. And I told him that if we as a
10 commission decided we want to move forward on
11 the issue of an appointed sheriff, that I would
12 welcome his input.

13 MR. YOUNGBLOOD: Well, I think we know
14 where he stands again --

15 THE CHAIRMAN: I understand, but that's
16 going to be one of our final -- one of the
17 issues we look at in more detail. I'm
18 comfortable with giving him an opportunity to
19 come share his perspective on it.

20 MR. YOUNGBLOOD: Thank you.

21 THE CHAIRMAN: Commissioner Miller.

22 MS. MILLER: For clarification, the motion
23 on the floor that we're discussing is a motion
24 to remove consideration regarding the
25 independent authorities with the exception of

1 JEA; is that -- is that what we've agreed on?
2 Is that what we're discussing?

3 MR. OLIVERAS: That's what I understand.

4 MS. MILLER: Okay.

5 MS. O'BRIEN: And I think a clarification,
6 from my standpoint, is looking at the charter.
7 When you look at the independent authorities in
8 terms of the charter with their structure, with
9 their reporting capability, minus the financing
10 of JEA, I would say, that's what I was
11 recommending that we remove from the table.

12 I believe that if there is an ethics
13 discussion, that, then, of course, the overall
14 subject is ethics and that could certainly be
15 applied to the independent agencies as well as
16 anything else within the charter.

17 THE CHAIRMAN: Mr. Catlett.

18 MR. CATLETT: Can I ask a question?

19 THE CHAIRMAN: Sure.

20 MR. CATLETT: The State of Florida has an
21 ethics code, an ethics group. How is what we're
22 looking at here locally different? I may -- I
23 don't know enough about it. I'm asking out of
24 ignorance.

25 THE CHAIRMAN: Well, I would say that

1 that's an issue -- if we decide we want to move
2 forward looking at ethics, then we would have
3 somebody from the State of Florida or somebody
4 knowledgeable about the distinction between the
5 two come tell us that.

6 MR. CATLETT: I just hate to be asking an
7 ignorant opinion because I don't know the
8 difference in the two or what the local group
9 would bring that the State group doesn't bring.

10 THE CHAIRMAN: I have heard that one of the
11 reasons why the ethics code that was originally
12 adopted into the charter was removed was because
13 in the early '70s the State of Florida adopted
14 their ethics structure and the thinking was our
15 code conflicted with theirs and theirs
16 superseded, and so they removed it from the
17 charter. I don't know if that's true. I'm
18 just --

19 MR. CATLETT: I think we ought to look into
20 that as one of our topics.

21 THE CHAIRMAN: Well, first let's finish up
22 on the independent authorities.

23 MR. CATLETT: That's where I was going, is
24 it ties to that in some respect, as to
25 whether -- in fact, Commissioner Youngblood, I

1 think, brought up are they all following the
2 same ethics code.

3 THE CHAIRMAN: And I think that's a
4 discussion we should -- we should have.

5 MR. YOUNGBLOOD: My intent was not to get
6 us off track on the motion, but you started the
7 conversation as a free-flowing of ideas --

8 THE CHAIRMAN: Sure.

9 MR. YOUNGBLOOD: -- before we get into any
10 details. And not to contradict Vice Chair
11 O'Brien, but essentially I'd like to discuss it
12 more before we start getting into any motions
13 and decisions, not to contradict her.

14 THE CHAIRMAN: No, no. That's -- I think
15 that's -- I don't think she's upset with that,
16 but is there more discussion that you want to
17 have?

18 MR. YOUNGBLOOD: Just so we don't close the
19 door on revisiting issues that may overlap.

20 THE CHAIRMAN: Right.

21 Just to clarify, I think -- does anybody
22 have a different understanding that if we decide
23 we don't want to continue to look at independent
24 authorities, other than JEA, that if we, in the
25 context of ethics, want to talk about that,

1 then -- of course, we would talk about how it
2 applies to the independent authorities. Is
3 everybody on the same page with where --

4 MR. YOUNGBLOOD: We are now.

5 THE CHAIRMAN: Okay.

6 MR. AUSTIN: The only reason I wanted
7 (inaudible) independent agencies is not that I
8 thought that the agencies themselves are not
9 functioning as intended --

10 MS. KORMAN: Mr. Mayor, can you speak into
11 the microphone? Diane can't hear you.

12 MR. AUSTIN: I said the reason I brought up
13 the independent agencies originally was not that
14 I didn't think that the agencies were -- that
15 they were not functioning as intended. They are
16 independent business- -- they're conducting --
17 enterprises running businesses for the most
18 part. We've got one that doesn't, the library
19 doesn't, but the rest of them are run like a
20 business, they're supposed to be free of the
21 City Council and the mayor in their day-to-day
22 work.

23 My problem was, are they coming together --
24 just as a whole consolidated government, are
25 they coming together when they have major issues

1 that they should pull together on?

2 An example was the siting of that cruise
3 ship terminal down at Mayport. I always felt
4 like that ought to -- a lot of people should
5 have been working with that, and it was -- the
6 authority was on its own on it, I think. And
7 there was other things where their major moves
8 into the city, when they're recruiting a major
9 enterprise, and you -- that you need everybody
10 on the same page working together.

11 I don't know that there's any way to do
12 that. I just wanted to get it out and discuss
13 it because I think there's not enough
14 cohesiveness in pulling together on some of
15 these things. That does not detract from the
16 fact that the JEA, the Electric Authority -- the
17 Port Authority, the Airport Authority,
18 Transportation Authority I think are doing
19 magnificent work, but I wanted to clarify my
20 position on it.

21 MS. O'BRIEN: And my response, Mayor
22 Austin, is, you know, I certainly agree that
23 they all need to work together.

24 I think one of those other issues that's
25 coming down the road that this city, along with

1 all independent agencies need to work together
2 is the channel deepening, but I think that's
3 more of a leadership role as opposed to a
4 charter issue.

5 MR. AUSTIN: I think it is. I just --
6 somebody could knock a few heads (inaudible) --
7 I think that's probably true.

8 MS. O'BRIEN: I'll help you knock.

9 THE CHAIRMAN: Any further discussion on
10 this issue?

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: Okay. Well, then, just to
13 restate, with the exception of JEA, we're done
14 looking at independent authorities. Does
15 anybody object to that? I don't know that we
16 have to take a formal vote, just as long as
17 there's nobody who wants to continue pushing
18 forward on that.

19 COMMISSION MEMBERS: (No response.)

20 THE CHAIRMAN: Okay. Maybe we should move
21 forward by issue. Let's move to education
22 reform. Tell me your thoughts on what we could
23 profit and look at.

24 MS. KORMAN: I have a question.

25 Can we just knock off ones first before

1 we --

2 THE CHAIRMAN: Sure.

3 MS. KORMAN: Because I'll start with that.

4 I think that the General Counsel's Office
5 is an issue that we need to consider probably
6 not going forward with. Based on everything
7 we've heard, I think that most people are pretty
8 content with the way that the General Counsel's
9 Office works. I know my personal issue was a
10 perception issue, which I know as -- the charter
11 can't change that, so I would highly recommend
12 that we would consider possibly not spending a
13 lot of time on that one.

14 MS. O'BRIEN: Second.

15 MR. FLOWERS: I --

16 THE CHAIRMAN: Commissioner Flowers.

17 MR. FLOWERS: I have a question on -- I
18 think it is Article 5, Article 6, Article 7
19 and 8. It is my feeling that the General
20 Counsel may need to have a -- I have some
21 questions.

22 In the -- in here, it talks about -- it
23 talks about in terms of the General Counsel
24 having the recommendation over the City Council
25 in a final decision. It seem like there are

1 voters -- the council members are responsible to
2 the voters, then that's where the final
3 authority should rest. That's just a concern
4 that I wanted to bring to the attention -- I put
5 it in there for us to read about it.

6 You don't understand what I'm trying to
7 say?

8 THE CHAIRMAN: Commissioners.

9 MS. MILLER: Through the Chair, if I may.

10 I respectfully disagree with Commissioners
11 Korman and O'Brien.

12 The General Counsel's Office, as we've all
13 heard is, for lack of a better word and -- is
14 the glue that holds us together. And because
15 it's the glue, we need to ensure that it is
16 strong and it can sustain any ethical challenge,
17 and I am very concerned at this point that if
18 Joe Q. Public were to make a bar complaint or a
19 commissioner would make a bar complaint
20 regarding this -- the independent nature of the
21 General Counsel and the Florida -- the canons or
22 Florida ethics, I think there would be a
23 concern.

24 No one's asked for a legal opinion, no
25 one's asked for a bar opinion on that. So every

1 time this comes up, the conversation
2 automatically goes to, well, don't disband it.
3 No one's talking about disbanding it. How do we
4 make it stronger? How do we look at the
5 language of the -- part of the perception issue
6 on binding legal opinions is that it's not a
7 transparent process. There's no due process or
8 procedural matter -- procedures in place to make
9 a decision, to make a binding legal decision.

10 Judge Durden had a procedure. He had an
11 independent review panel. Lawyers made their
12 case and made their arguments and then made a
13 recommendation to him, and he acted in a
14 judicial capacity and made that decision.

15 I think there are some language changes
16 that we can look at in the section of General
17 Counsel, not to disband it, to make it stronger,
18 to ensure its independence, to ensure that the
19 role of the General Counsel is truly independent
20 and has the ability to make the decisions.

21 And, Commissioner Flowers, the General
22 Counsel's Office has the ability to make final
23 determinations as to legal issues, and the City
24 Council is elected to make policy and ordinance
25 and budget issues. So they're different

1 issues.

2 And if truly the General Counsel has that
3 authority, then how do we make it stronger or at
4 least overcome some of those perception and
5 transparency concerns?

6 I think we've heard enough from others
7 that -- in the consolidated government about the
8 appointment of the General Counsel and the
9 potential removal of the General Counsel, and so
10 I think that there is enough there. We may not
11 have to spend a lot of time on it, but I do
12 think there are some minor language changes that
13 we can make that might enhance transparency,
14 confidence in the office, and not to disband it,
15 but to enhance its independence.

16 MS. KORMAN: Mr. Chair.

17 THE CHAIRMAN: Yes, Commissioner Korman.

18 MS. KORMAN: I think -- let me just -- so I
19 can clarify.

20 To me -- and I understand -- I'm not a
21 lawyer, so I don't -- I look at kind of the big
22 picture, I guess the 50,000-foot version, so I
23 don't understand and cannot not say as
24 eloquently as you can the concerns and what to
25 do because when I read a legal opinion, I don't

1 read it the same way you do. And that's a
2 compliment to you. I just don't have that
3 skill.

4 So my thing is, is -- where I guess my
5 concern is, is that at the end of the day, we're
6 going to be back again with five, six, seven,
7 eight issues, and my concern is, is that we
8 really -- my recommendation, we really need to
9 narrow it down to the ones that are the most
10 important. And, to me, that wasn't high on the
11 list. I thought there were some other ones that
12 were higher.

13 I agree with some of the things you said,
14 but I'm just concerned with -- we only have a
15 few months left. We've got some major issues.
16 We have to work -- and we see every meeting we
17 come to they're very lengthy, everyone has great
18 ideas, opinions, and -- so that was my reason
19 why I said that the General Counsel's Office was
20 not a top priority of mine anymore, once
21 we vetted it out through the process, per
22 Chairman Duggan, so that's where I'm coming
23 from.

24 THE CHAIRMAN: Other comments from
25 commissioners?

1 Commissioner Austin.

2 MR. AUSTIN: I think we need to keep in
3 mind that the charter is sort of like -- it's a
4 const- -- like the constitution. It establishes
5 a framework and then you have ordinances adopted
6 and a lot of micromanagement by council and by
7 laws.

8 I would respectfully disagree that this is
9 micromanaging at a level that we shouldn't be
10 micromanaging. We should be looking at the big
11 issues, the structural issues of the
12 consolid-- -- the charter, which is, as I said,
13 like our constitution, and not be doing what
14 we're doing by electing -- elections in the
15 constitution, putting pregnant pigs and things
16 in it. We need to keep it pure and -- and
17 simple, and I wouldn't go too deep -- into too
18 much detail. I hope you're following me on the
19 constitution. We're cluttering it up and we
20 shouldn't clutter up the charter.

21 THE CHAIRMAN: Commissioner Thompson.

22 MR. THOMPSON: Yes, Mr. Chairman.

23 I just want to know, did we -- we talked
24 about term limits for the General Counsel. If I
25 look at the General Counsel right now, he's

1 probably been the General Counsel longer than
2 any person in that position, and I know that
3 the --

4 The other concern is that Judge Durden
5 talked about he made \$28,000 a year and the
6 current General Counsel is over 200,000. I
7 think -- we looked at everybody from the
8 standpoint, a high part of their job allure, but
9 we're not going to consider the General Counsel
10 in term limits or he's going to be there
11 30 years? Did we decide anything on that?

12 MS. O'BRIEN: May I respond?

13 THE CHAIRMAN: Commissioner O'Brien --
14 Vice Chair O'Brien.

15 MS. O'BRIEN: If I read the charter
16 correctly, the General Counsel does not serve a
17 term. He serves -- he's an appointed position
18 by the mayor that is then confirmed by the City
19 Council. At any time he is free to leave. He
20 or she is free to leave. He or she may be let
21 go by the mayor and then a new reappointment
22 process would have to go through.

23 Just because a mayor is elected for four
24 years, it doesn't mean he has to keep that
25 City Council person -- I mean, City Council --

1 General Counsel person for his entire term. He
2 does not serve a term. He serves at the
3 privilege or leisure of the mayor that is
4 confirmed by the council.

5 THE CHAIRMAN: Commissioner Catlin.

6 MR. CATLIN: I've said this before and I'm
7 going to say it again. I think there's a lot of
8 people out in the community who will not come on
9 public record to say here's what my thoughts
10 are, but -- sometimes I feel like a City
11 Councilman, where they come to us, come to me
12 and say, here's the issues.

13 I'm going to be behind Commissioner Miller
14 saying that the General Counsel's Office is a
15 big issue. There's a lot of people that come to
16 me and say, here's the problems we have with
17 this, so I'm going to oppose Commissioner
18 O'Brien and Commissioner Korman's motion to take
19 it off our platform because I think it's
20 something we need to -- to tackle.

21 THE CHAIRMAN: Commissioner Oliveras.

22 MR. OLIVERAS: Mr. Chairman, I was just
23 going to suggest that I -- I would like to have
24 a little bit more time to look at the specifics
25 for OGC so that we have clarity when we choose

1 to not take it up as an issue or to make
2 recommendations.

3 It is complex. I think that it's deserving
4 of some time to decide if there is something
5 that -- that can be tweaked or if it's good
6 where it stands, but I would like for us to have
7 some time to look at it as a group.

8 THE CHAIRMAN: So I take it that means you
9 would not want to remove it from our issues list
10 at this point in time?

11 MR. OLIVERAS: Not at this time.

12 MR. CATLIN: I think with some kind of an
13 agenda, if we say for the next meeting, here's
14 what we're going to tackle, that gives us the
15 time to say, all right, the next meeting is
16 totally set on the police chief, appointed
17 versus elected, or General Counsel. That gives
18 us the time to go do our due diligence and find
19 out, you know, what -- what we're going to bring
20 to the table instead of bringing a lot of
21 different things. I know you were probably
22 thinking of doing that --

23 THE CHAIRMAN: Yes. My concept would be,
24 once we identify the five or six issues we want
25 to look at going forward, then we would just

1 dedicate at least one meeting to those -- to
2 that issue for that meeting.

3 Any other comments, discussions?

4 MR. YOUNGBLOOD: We've heard from so many
5 on the Office of General Counsel and there
6 hasn't been a rub, so I'd love to hear more from
7 Commissioner Catlett [sic] or from those
8 citizens who really are in opposition to it.
9 Nothing has been brought to our attention yet.

10 As we heard from Judge Durden, he thinks
11 it's great. The mayor just said it's great.
12 We've heard from General Counsel itself,
13 current, and they think it's great. So where is
14 the rub?

15 And, you know, excuse me for my ignorance.
16 Not an attorney, not running with the attorneys,
17 so I don't hear that. I'm not hearing it, so
18 I'd love to know more.

19 MR. CATLIN: I can prepare that for you.

20 Unfortunately or fortunately, I do know a
21 lot of attorneys, and they all come to me
22 saying, here's something you need to tackle, and
23 some of that was what the mayor said today about
24 the General Counsel being in the -- in his
25 meetings with him.

1 Commissioner Duggan -- Chairman Duggan had
2 asked him if that was the first time the OGC had
3 ever sat in on mayoral meetings, and I believe
4 what we came to is that was the truth. So I
5 think there's just a worry in the legal
6 community that things could be broken. That's
7 why I would consider studying this a little bit
8 more.

9 THE CHAIRMAN: Commissioner Deal.

10 MS. DEAL: This is just a thought, why
11 don't we then go through what we -- the items
12 that we decide to keep on the list, send those
13 out to the commission, and then have specific
14 issues under each one of those items because
15 we've heard an overview of quite a few of these,
16 and so if there are some things that were left
17 over from those meetings or issues that were
18 left over from those meetings, specifics, then
19 when we have the next meeting we're not having
20 an overview again, but yet we are focused on the
21 specific issue under the General Counsel's
22 Office or -- and kind of approach it from that
23 standpoint so that we know exactly what we are
24 looking at for each of the issues.

25 THE CHAIRMAN: Commissioner Korman.

1 MS. KORMAN: I'm just -- I'm trying to
2 think. I think the hardest part for all of us
3 is that we have an individual who is General
4 Counsel right now; we have an individual who's
5 mayor, and we focus on the way that
6 administration is working with the current
7 General Counsel, which could be different in the
8 way that a future General Counsel operates or
9 the prior. And so it's hard not to mix
10 personality, people with the concerns we have,
11 as much as we wouldn't, so I want everyone to be
12 aware of that, that we have to look at it, once
13 again, from a high flyover, not on a personality
14 basis, which I think could rub people the wrong
15 or right way, however you want to do it.

16 So that's, once again -- and I -- because I
17 guess I have the concern -- and I'm not saying
18 we need to put limits, but if we do five or six
19 issues, we're back to where we were a few months
20 ago. We really need to limit it down to a few,
21 less than that, in my opinion.

22 Fifteen-person commission, everyone has
23 their own thoughts because -- I'm concerned. We
24 bring people back, we're still at square one.
25 More people are going to have questions, more

1 issues are going to come up, so I just feel like
2 we're, you know, doing the same thing, like a
3 gerbil on one of those rolling things, you
4 know.

5 So that's my concern, to be able to
6 separate the people from the positions,
7 so . . .

8 THE CHAIRMAN: Let me ask a question to
9 perhaps help clarify to Commissioner Miller and
10 Commissioner Catlin.

11 Who do you think we could -- are there
12 people that you can think of that we would come
13 have talk to us further about the General
14 Counsel to address the issues that you two have
15 raised? I mean, what would we hear, who would
16 we hear from, or would it be just more
17 discussion like this, among ourselves? Which
18 I'm not saying is a bad thing.

19 Perhaps the issues that you're trying to
20 get at, both of you, could be profitably hashed
21 out just in a meeting like this, but I'm
22 interested in your thoughts on where we would go
23 on that issue from here.

24 MS. MILLER: Through the Chair, I think
25 Commissioner -- excuse me -- I think Braxton

1 Gillam spoke to the Florida -- to the rules of
2 the bar and when we get into what's considered a
3 conflict of interest and -- and the perception,
4 whether that perception is real or not, and so I
5 think we -- we know a lot, and we've heard the
6 concerns of the constitutional officers and
7 their ability to, you know, make -- help make
8 the decision about -- or nominate a General
9 Counsel. And if they all become appointed, then
10 maybe that's a nonissue, but I think we've heard
11 enough about some specific areas. We've also
12 heard some public input about the way binding
13 legal opinions are made, and so -- and so there
14 is enough in the record that we can go in and
15 look at a few specific areas.

16 Short of asking someone from the Florida
17 Bar to come, which we can do, I'm not sure, you
18 know, what else you're going to -- it's a
19 complicated issue. It's made more difficult
20 when you are a public attorney, very difficult,
21 very -- can be very difficult, and Mr. Mullaney
22 has done a great job of parsing those different
23 areas out and the different types of decisions.

24 And the reason this is important is because
25 we keep coming back to this notion that we don't

1 have consolidation unless we have this office to
2 resolve the issues, so we don't have an
3 effective consolidated government unless we have
4 a strong office that the public and that the
5 agencies, who are governed by it, feel confident
6 in it, and that includes the JEA, the supervisor
7 of elections, the school board. If they don't
8 feel confident in the process, then one action
9 on their part could threaten it, so -- threaten
10 the consolidation. They can -- they could try
11 to take a legal action.

12 We've worked too long and hard in this city
13 for this -- for this form of government. So if
14 this office truly brings everyone together, then
15 why wouldn't we want to look at a few measures,
16 a few changes to this structure to ensure that
17 the position is independent and that there is a
18 process to make these binding legal opinions?

19 The binding legal opinions are imposed on
20 everyone. The supervisor of elections and JEA
21 may have a big fight, but once that person
22 decides, that is it, that's the rule of law.

23 And it -- and that is such an important
24 position, and it's what holds us together in
25 this consolidated government, and thus far we

1 have not been challenged, and -- and what we
2 have seen, I think, are some perceptions and
3 some grumbling in the public about the -- about
4 concerns, perceptions within the legal
5 community. Just fine -- and that is very true.
6 Lots of people in the legal community. No one
7 wants to come on the record, but just -- it just
8 takes one issue. It just takes one issue on --
9 whether it's the Cecil referendum or any other
10 issue that might come along, and -- and I don't
11 think we want that as a city, for our -- for our
12 lawyers to be fighting about the authority of
13 the lawyer.

14 Why don't we -- it does not hurt to
15 create -- to -- without micromanaging, to ask
16 the General Counsel to establish -- to remain
17 independent and to establish a transparent
18 system to determine binding legal opinions, just
19 like the Rules of Civil Procedure, but something
20 much more abbreviated.

21 That's -- it's just asking that -- that if
22 you're going to make a legal decision that is
23 binding, that affects the rights of individuals
24 and entities, business entities, you should have
25 a process to do that.

1 It's -- that's, quite frankly, one of the
2 biggest concerns that I have heard, and I think
3 it would go a long way toward maybe addressing
4 some of the concerns about conflict of
5 interest. Those issues are always going to be
6 there, but if there's a transparent process, we
7 can address them. And it would also go toward
8 more confidence by the electorate and by others
9 affected by the decision, that they've had their
10 day in court, so to speak.

11 MR. CATLIN: And I'll echo her thoughts,
12 that having maybe a past president of the
13 Florida Bar or someone on the Florida Bar
14 Committee because what I've heard out there,
15 Commissioner Youngblood -- and this is what
16 I'm -- what I've just heard from lawyers who
17 have spoken to me -- that they feel like this --
18 the General Counsel's Office may answer to the
19 mayor and not where they're supposed to answer
20 it when they wake up in the morning, which is
21 the Florida Bar.

22 That's why I think this is important, and
23 we can -- Mr. Chairman could probably ask a
24 couple of past presidents of the Florida Bar who
25 are -- actually live in Jacksonville to come

1 speak. I'm not sure if they will.

2 This obviously gets very political, so
3 that's why a lot of people do not want to come
4 speak to us. And that's what they look to us
5 for, so that's the only reason I bring that up.

6 MR. YOUNGBLOOD: But are these structural
7 issues or are they procedural issues? Because
8 we're looking at -- and I agree with Mayor
9 Austin. It's not just -- it's a living,
10 breathing document. It's something pretty well
11 set in stone and it's structure and it's our
12 constitution, or is it -- if it's a procedural
13 issue that can be dealt with internally through
14 legislative relationships -- but if it's truly
15 structural we're looking at changing, what
16 specific -- before we start tweaking something.

17 MS. MILLER: Through the Chair, due process
18 is guaranteed through the United States. It is
19 a right of ours, each of ours. Due process
20 through the court system is a right through the
21 United States Constitution. Due process for the
22 individuals of consolidated government is not a
23 right.

24 So I don't know what the -- why it would be
25 difficult to ensure, to put something in --

1 again, procedural issues and the right to have
2 your case heard is a fundamental constitutional
3 right, so we can decide what's -- what's, you
4 know, micromanaging and what's not. How do
5 we -- how do we add something in that says that
6 these entities will have the right of due
7 process? It is a -- so procedural rights become
8 constitutional rights and so they go into a
9 document.

10 They don't have to be -- they don't have to
11 set forth the standards. You leave that to the
12 experts to do that, to come up with a system to
13 do that, but -- but there should be some
14 statement in there that that is the intent, once
15 again, to ensure -- ensure the strength and the
16 independence of the office so that we can
17 maintain our consolidated government.

18 I think the very fact that we're having
19 this much conversation on the issue means that
20 we're unresolved and maybe we do defer it, maybe
21 we discuss it later, maybe -- maybe the fact
22 that it's not easy to eliminate that issue as --
23 should tell us something.

24 THE CHAIRMAN: Commissioner Oliveras.

25 MR. OLIVERAS: Thank you, Mr. Chairman.

1 I just want to remind the commission that
2 we have had constitutional officers come before
3 us and express concerns about OGC. And I'm not
4 trying to pick everything apart and I'm not
5 saying that I agree with everything that the
6 constitutional officers have said, but I -- I
7 think it -- it's worth some of our time to look
8 at the concerns and not -- not just write off
9 OGC for our consideration right off the bat. I
10 think it's -- it's worth some time to look at.

11 THE CHAIRMAN: Commissioner Catlett.

12 MR. CATLETT: Mr. Chairman, I understand
13 pretty much what the other commissioners are
14 saying. What I would like to recommend --
15 because we're running out of time. And I have
16 my issues. You know, the three terms and the
17 staggered elections are my big issue, and I want
18 to make sure they get adequate time because all
19 these issues are important.

20 As to this issue, I would like, if it's
21 possible, for Commissioner Catlin to talk to the
22 folks that have been approaching him about their
23 problems and have them give us some
24 recommendations. And, likewise -- I've know
25 Ms. Miller here for many, many years -- I'd like

1 for her to do the same thing, to come up with
2 some specific recommendations for us to talk
3 about because we -- you know, I can come up with
4 a hundred things that need fixing, but coming up
5 with a recommendation to fix it is a whole
6 different matter.

7 And so what I'd like, if we keep this issue
8 open, is to narrow it down as to what the issue
9 is exactly and come up with specific
10 recommendations for us to discuss so we don't
11 run out of time on the other issues, and I -- I
12 don't know how to put that better, but I want to
13 darn sure solve my problem, but I'd ask for --

14 MR. OLIVERAS: That works for me.

15 MS. DEAL: I would just add to that.

16 I was curious as to whether we could --
17 if there was a motion that one of the
18 commissioners -- Commissioner Miller or
19 Commissioner Catlin already had in mind, that --
20 if there was something on the table or a
21 decision whether -- because I don't know that we
22 need to hear from anybody else on this issue, we
23 may, but it could just be something that we can
24 go ahead -- a motion can be made, we can have
25 discussion, and then vote, and move on from

1 there.

2 THE CHAIRMAN: Vice Chair O'Brien.

3 MS. O'BRIEN: We had all the independent
4 agencies come forward. And while they all say,
5 yeah, we'd love our own lawyer, they all said,
6 I'm very happy with my General Counsel lawyer.
7 Okay?

8 I'm very concerned that we're going to
9 possibly set up a process where we're
10 internally, in our own government, we're having
11 to go through a judicial review court process
12 within the back rooms of City Council, within
13 the mayor's, that is going to be nonproductive.

14 What I care about is that, as a city, the
15 City of Jacksonville, whether it's a JEA issue,
16 whether it's a school board issue, that we come
17 out as one voice and that voice is a legal voice
18 and is going to be a legally strong argument.

19 And, quite honestly, I feel this is a
20 special interest issue that is being promoted by
21 some people who have yet to come out during
22 public comment. And, to me, personally, it's
23 not nearly as important as some of these other
24 issues, whether it's elections, whether it's
25 ethics, whether it's the pension, or whether

1 it's the term.

2 If people want transparency, those issues
3 are going to be more important. A, is our
4 government going to be financially viable to
5 last the next 50 years?

6 You know, we've got to find -- in my
7 opinion, find a way -- or find a way to fund the
8 pension. You know, they're worried more about
9 the elected officials, personally, in my
10 opinion, and how many terms they serve. And if
11 they're being ethical than [sic] they are about
12 the General Counsel and whether, you know, one
13 independent agency is getting his or her way in
14 front of the General Counsel -- to me, it's more
15 important that we are a consolidated government,
16 that we come out with one voice as the City of
17 Jacksonville that's strong and legal.

18 THE CHAIRMAN: Commissioner Catlin.

19 MR. CATLIN: I'm with you.

20 Isn't the pension reform being tackled
21 pretty hard core right now by the City Council
22 and the mayor, and isn't it -- I would just hate
23 to dive in on something that -- it's already
24 being taken care of and the fine-tooth comb is
25 going through it, repeatedly.

1 I would hate to -- for them to do all their
2 work and then we come up and give a -- say
3 here's what we did with it, and -- that's a
4 question, I guess.

5 THE CHAIRMAN: Well, before we get into the
6 pension issue, let's wrap up the OGC issue.

7 MR. CATLIN: I guess that was -- my point
8 was -- the reason why I would bring issues up --
9 I'm sorry to interrupt you --

10 THE CHAIRMAN: No, no.

11 MR. CATLIN: -- is that issue -- I believe
12 that this commission should tackle issues that
13 aren't being tackled already. And I know just
14 from reading the paper that the pension reform
15 issue and other issues are being tackled right
16 now, so that's -- that's the only reason I was
17 saying that, so . . .

18 THE CHAIRMAN: Okay. I understand.

19 Commissioner Herrington.

20 MS. HERRINGTON: In the beginning, as we
21 first started having our meetings, I stated,
22 like Commissioner Catlin, that I was a new face
23 in this and this was a learning experience for
24 me, and it has been, so -- I know I've been
25 quiet through most of the meetings.

1 And maybe I'm being too idealistic, but
2 from my calculations -- and correct me if I'm
3 wrong -- I think we have about ten meetings
4 left. That's not counting Thanksgiving and
5 that's not counting Christmas Eve and New Year's
6 Eve. And just in my own personal opinion with
7 the commissioners that we have here, I feel that
8 that's more than enough time to narrow down the
9 issues to make a decision, and I think that we
10 should also take advantage of the research that
11 was done, that we don't have to wait until
12 February to present our recommendations and go
13 to some City Council meetings in between now and
14 February to make the recommendations for the
15 decisions that we make during this time.

16 And I say that to also say that in the
17 beginning Chairman Duggan pointed out that
18 public comment was a concern that he wanted --
19 you know, that he had and that he wanted to be
20 on the agenda at every meeting, and one of the
21 things that I've taken from the public comment
22 from individuals that have come out, from
23 e-mails that we receive, from letters that we
24 receive is the question that I've asked the
25 mayor this morning, about the citizen review

1 board. Why not -- to throw other issues out
2 there.

3 I agree with the mayor that we need to stay
4 focused. One of his issues was the public
5 safety concern as far as education, with
6 bringing individuals and coming to
7 Jacksonville. Well, one of the concerns they
8 will have is how safe is the city and how are
9 you educating. I believe that both of those
10 issues go hand in hand, so I think that's an
11 issue that we should at least consider, just
12 based on public comment.

13 And also correct me if I'm wrong, the vice
14 president of the City Council that came in that
15 presented his issue that he wanted us to take a
16 stand on, I don't believe that that was an issue
17 that we had initially stated in the beginning,
18 but we did that in one meeting and made our
19 recommendation to the City Council, so I don't
20 see why we would not be able to focus and come
21 up with an issue.

22 Just out of the time that we've allotted
23 the mayor here this morning, I think that we
24 have more than enough time to discuss whatever
25 issues that he had, make a decision and make a

1 recommendation. And with ten meetings left --
2 and if you want to even count out the last one
3 that's before that last City Council meeting in
4 February, that will leave us nine. I think we
5 have more than enough time to focus on the
6 issues, to have people come in and just make
7 that final presentation, give them an allotted
8 time to say, here, you have 30 minutes to speak
9 about this, the opposing side has 30 minutes to
10 speak about this. That could leave us with
11 possibly an hour and a half to discuss and
12 debate and make a decision so that way we're not
13 back in the beginning of having more questions.

14 Even if it takes some of our own time and
15 during our own research to have our questions to
16 ask when those speakers come in, but that way,
17 by the end of that meeting we're prepared to
18 make a decision and go ahead and make a
19 recommendation.

20 So I know one of the things that I would
21 like to put out there is that if we do invite an
22 appointed sheriff to come in that we also invite
23 our own sheriff to come in and to speak about
24 that. And one of the issues that I will like to
25 put on the floor to the commission is a citizen

1 review board, to have him speak about that
2 because I must say that I was impressed with the
3 amount of citizens that came out in support of
4 that about a couple of meetings ago.

5 And while we have had individuals to come
6 out and speak about certain issues, they have
7 always been with an entity that we've invited to
8 come and speak. And those individuals were not
9 invited, they came out during their own time,
10 took time out of their day.

11 And from what I can recall from our
12 meetings, that was the largest support group
13 that I seen, so I think with your -- you know,
14 with the importance that you saw in the public
15 comment, I think that kind of we owe it to them
16 to show them that we are listening to say, hey,
17 we -- you know, we saw you when you came out and
18 we heard your voice, and -- you know, even if it
19 doesn't get approved, if it doesn't go, we can
20 at least say, hey, that we listened to what you
21 have to say and this is what we tried to do.

22 THE CHAIRMAN: Thank you.

23 Other comments, anybody?

24 MR. AUSTIN: I'll make an observation.

25 We mentioned -- I mentioned early -- very

1 early that we should prioritize the -- what we
2 recommend. I think if we shotgun this thing and
3 give them 25 recommendations, they're not going
4 to pay any attention to what we say. I think if
5 we do -- this is the number one, this is number
6 two, this is number three, or these are the top
7 three, you -- you've got something that can be
8 discussed, something that will be taken
9 seriously.

10 If you -- I wonder -- I don't know, maybe
11 we should flip this and identify what we're
12 going to do as a top issue, what we think are
13 the main issues, however many we want to take.
14 I don't think there are really going to be very
15 many. And once we get those, I think we're
16 probably getting pretty close to making a
17 report, but --

18 So I'm not suggesting we reconsider how we
19 approach it in coming up with what we're going
20 to take -- what we're going to recommend, if we
21 reach the point in our deliberations where we
22 think we know what's the most important thing,
23 what we know is the second or the coequal
24 second.

25 THE CHAIRMAN: Commissioner Catlett.

1 MR. CATLETT: Could you restate the motion
2 that's on the floor? I haven't -- I've gotten
3 lost.

4 THE CHAIRMAN: The motion was to --

5 MR. CATLETT: The motion was on the floor.
6 I've gotten lost.

7 THE CHAIRMAN: The motion that was on the
8 floor was to take the Office of General Counsel
9 off our plate as a discussion item going
10 forward.

11 MR. CATLETT: Okay.

12 THE CHAIRMAN: And there has been,
13 obviously, no clear consensus on that issue.

14 MR. CATLETT: Call the question.

15 MR. AUSTIN: What is the question?

16 (Simultaneous speaking.)

17 MR. YOUNGBLOOD: Mr. Chairman.

18 THE CHAIRMAN: Commissioner Youngblood.

19 MR. YOUNGBLOOD: As a matter of record,
20 do -- could we go back through and someone
21 articulate the issues that were on our list and
22 in priority so that then we can start seemingly
23 moving --

24 THE CHAIRMAN: Yes, I can do that.

25 This is the issues list that I prepared

1 from each of your lists that you gave me when we
2 started the process, mindful of Council
3 President Fussell's charge to us, which was
4 extremely broad, review the entire structure of
5 the consolidated government from top to bottom,
6 tell us what you think is the issue.

7 Essentially, he gave us no constraints, and
8 so this is what you provided to me --

9 MS. DEAL: Point of order.

10 THE CHAIRMAN: Yes.

11 MS. DEAL: Should we go ahead and address
12 the motion on the floor since we're moving
13 outside that -- that discussion now?

14 THE CHAIRMAN: I'm happy to go either way.

15 What I don't want to do is cut off debate.
16 I don't want anybody to feel like they haven't
17 had a full and thorough vetting of their issues
18 and --

19 MR. YOUNGBLOOD: I think we've got the cart
20 before the horse. I'm trying to avoid any
21 motions right now for open discussion because I
22 thought that was the direction in which you
23 wanted to roll, is --

24 THE CHAIRMAN: Well, typically --

25 MR. YOUNGBLOOD: -- free-flowing ideas and

1 then at the end of the -- the outset of today's
2 meeting maybe some motions or a motion to defer
3 for that matter.

4 THE CHAIRMAN: Typically, you have a motion
5 and a second to open something up for
6 discussion, so that's -- that's why I proceeded
7 in that format, but let me just read this issues
8 list and then we can respond to that issue.

9 The number one vote-getter that got six
10 votes -- and just so you know, two of the
11 commissioners did not turn in their issues list
12 to me. And I did not submit one, as the chair,
13 because I didn't want to -- I wanted to appear
14 impartial.

15 So out of the twelve that were turned in,
16 six people wanted to look at education issues of
17 one type or another, and then the Office of
18 General Counsel, the constitutional officers,
19 and the independent authorities each got five
20 votes. Ethics and pensions got three each.

21 MR. AUSTIN: What did?

22 THE CHAIRMAN: Ethics and pensions.

23 So our top four issues in terms of what you
24 told me you wanted to talk about: education,
25 independent authorities, constitutional

1 officers, and Office of General Counsel.

2 Now, we then also started talking about
3 elections. I do think that's worth talking
4 about, but that's what we started out with as
5 our issues list.

6 MS. KORMAN: I think that that list is
7 probably a little outdated.

8 THE CHAIRMAN: Well, I agree. I mean,
9 that's -- we started that --

10 MS. KORMAN: We talked about a lot of stuff
11 since then, so I know my views have changed on
12 certain things, so I'm not sure if that is as
13 relevant as it once was months ago.

14 THE CHAIRMAN: I don't disagree. I mean, I
15 think -- that's how I've been proceeding
16 forward. You told me what you wanted to talk
17 about, we've talked about these issues, except
18 for pensions. Now I see it is time, okay, let's
19 focus on how we want to finish.

20 Does anybody object to taking a vote on
21 whether we continue to talk about the Office of
22 General Counsel going forward?

23 MS. KORMAN: Can you say that again? I'm
24 sorry.

25 THE CHAIRMAN: Does anybody object if we

1 take a vote on the issue of whether we want to
2 continue to look at the Office of General
3 Counsel going forward?

4 COMMISSION MEMBERS: (No response.)

5 THE CHAIRMAN: Okay. The motion was to not
6 continue -- not to continue. So all of those in
7 favor of not continuing with the Office of
8 General Counsel as an issue, please raise your
9 hand and keep it up.

10 MS. KORMAN: (Indicating.)

11 MR. YOUNGBLOOD: (Indicating.)

12 MS. HERRINGTON: (Indicating.)

13 MS. EICHNER: (Indicating.)

14 MR. CATLETT: (Indicating.)

15 MR. AUSTIN: (Indicating.)

16 MS. O'BRIEN: (Indicating.)

17 THE CHAIRMAN: Seven.

18 All those in favor of -- all those opposed
19 to the motion. In other words, you want to
20 continue to look at the issue.

21 MR. CATLIN: (Indicating.)

22 MS. GARVIN: (Indicating.)

23 MR. OLIVERAS: (Indicating.)

24 MR. THOMPSON: (Indicating.)

25 MR. FLOWERS: (Indicating.)

1 MS. MILLER: (Indicating.)

2 MS. DEAL: (Indicating.)

3 MR. CATLETT: You have to cast the final
4 vote, Mr. Chairman.

5 THE CHAIRMAN: It was seven to seven,
6 correct?

7 MR. OLIVERAS: Congratulations.

8 MR. CATLIN: Can I vote for you,
9 Mr. Chairman?

10 THE CHAIRMAN: If I could allow you, I
11 would.

12 I'm sensitive to the time we have left.
13 What I would like to do is vote to not make it
14 one of our top issues going forward. If we find
15 at the end of this process that we still have
16 some time and we can do narrowly-tailored
17 issues, then I'm happy to look at that issue.

18 I've heard all of the same things that
19 you've heard about, I think. I mean, a lot of
20 people have said that they have issues as well,
21 and I certainly like the construct that
22 Judge Durden operated under. I tend to think
23 that that is the best way to do it, but at the
24 same time I'm not sure that we should mandate
25 that. I think the General Counsel should have

1 some flexibility to run his shop as he sees
2 fit.

3 I think, candidly, a lot of this is
4 personality driven. I think a lot of this
5 relates to the current occupant of that office,
6 for better or worse, and I'm not sure that --
7 that these same issues will continue under a
8 different General Counsel because clearly they
9 don't seem to have existed under prior General
10 Counsels.

11 So, at this point, I'm going to vote that
12 we not continue with the Office of General
13 Counsel, but -- but I do think it was a worthy
14 topic to look into. Clearly, a lot of people
15 have a lot of heartburn out there that were
16 expressed to several of us, so I wouldn't say
17 that we've not made a wise use of our time in
18 looking at that issue.

19 Does anybody else want to suggest something
20 that we not continue looking at?

21 MR. OLIVERAS: Mr. Chairman, I would
22 gingerly bring up the issue of pensions.

23 It's a huge, huge issue. Quite frankly,
24 it's probably an issue this commission could
25 have been empaneled for and studied exclusively.

1 I've been intimately involved as an
2 advisory committee member of the Police and Fire
3 Pension Fund for eight years, so I'm very
4 familiar with what's going on, with the
5 history. I know Mayor Austin is probably a
6 subject matter expert on pension issues. And
7 Commissioner Catlin said very -- quite capably
8 that the mayor is involved in this, the City
9 Council is involved in this with a committee.
10 This is currently being negotiated at the
11 bargaining table for police and for fire
12 separately, and a it's huge issue.

13 You know, I was not wishing to spar with
14 the mayor this morning, but his answer to my
15 question -- they -- they really don't know right
16 now. You know, to -- it's very hard to get
17 where they want to be by cutting pension
18 benefits. It would -- they can't -- they really
19 have difficulty with the numbers, and that's not
20 a criticism. It's a huge, huge hole, and I -- I
21 just caution that if we take this up, we're
22 going to find it's a heavy burden and time
23 consuming.

24 MR. CATLETT: Mr. Chairman, the question
25 is -- and I have great respect for the mayor and

1 his opinions and certainly for Commissioner
2 Oliveras.

3 The question is, if this were not before
4 the -- being negotiated right now, would this be
5 a topic that we would take up as a matter of
6 changing the City charter? And I personally
7 don't think that this would be something we
8 would be taking up if this were not a hot
9 topic.

10 You know, several of the council members
11 mentioned to me when we talked about the
12 election cycle that that should have been our
13 final report, not while they were taking it up
14 as a public issue. Would that have been an
15 issue for us at that moment in time were it not
16 before the council? And I had to confess that
17 that was an issue that would -- affecting the
18 charter would be years and years and years in
19 the future, and it -- it was coincidental that
20 it came up at the same time that we were
21 discussing it.

22 But on this issue, as Commissioner Oliveras
23 said, this is a very complicated issue and it
24 could take up not only all the remaining time
25 but all the time we had before, and we still

1 wouldn't be pension experts. He is because he's
2 involved in it.

3 So I'd like to, on the priority list,
4 remove that one because if it weren't a hot
5 topic today, would it be -- say three years from
6 now -- if they empaneled us three years from
7 now, would this be on the agenda? I don't think
8 it would. I could be wrong, but I just don't
9 see this -- I see this as a today issue, not as
10 a change the City charter issue.

11 I don't know what we could add to their
12 negotiations. Both sides have willing, able
13 experts. And although we have one of our own, I
14 don't know that this panel is -- is capable of
15 tackling that and really making a good, solid
16 recommendation.

17 THE CHAIRMAN: That sounds like a motion
18 and second.

19 Commissioner Deal.

20 MS. DEAL: I just have a -- do you want to
21 move forward with that before I go into
22 discussion or --

23 THE CHAIRMAN: No, no. We're now in a
24 posture to discuss since we have a motion and a
25 second.

1 MS. DEAL: Okay. I totally agree with not
2 getting into the current weeds of the
3 negotiations that are going on, but I do
4 think it's worth -- because this is such a
5 potential -- well, it is. It's a major issue
6 for our city. And even looking forward to the
7 future, is there something that we can recommend
8 now that will keep us from getting into this
9 spot that we are in currently?

10 And I'm not saying it has to be
11 specifically what the mayor suggested, but is
12 there something that we can put in the charter
13 that would keep these political whims and
14 influences from adversely impacting us and
15 getting us into the situation that we are in
16 again for the benefit of the pension recipients
17 as well as the community as a whole?

18 So I would -- I totally agree that we do
19 not want to get into the weeds of the current
20 discussions, what that looks like, or anything
21 of that nature.

22 THE CHAIRMAN: Commissioner Garvin.

23 MS. GARVIN: I agree with Commissioner
24 Deal. That was exactly what my thought process
25 was. We don't need to get into the nitty-gritty

1 of it. I don't feel qualified to even do that,
2 number one, but I do think that we have a
3 responsibility to look -- when you look at the
4 cost of what's happening to the pension, to the
5 cost to the City of Jacksonville, we -- I think
6 we have a responsibility to put something in the
7 charter that possibly can give some help or
8 relief, whether it's what the mayor suggested --
9 I mean, we've got some great minds here. I'm
10 sure there's something that we can -- make a
11 recommendation.

12 And knowing that our recommendations are
13 recommendations, we don't know what they're
14 going to take and what they're going to do with
15 it, but at least we've been asked to come back
16 with some thoughts. And my thought process is,
17 this is a big issue and it is going to be a big
18 issue year after year after year because of the
19 amount of money that it is costing the City of
20 Jacksonville and, therefore, it's -- it's
21 something that we are -- and I agree with
22 Commissioner Deal totally.

23 THE CHAIRMAN: Other comments?

24 Commissioner Eichner.

25 MS. EICHNER: I guess I can see sort of

1 both sides of the issue. My biggest concern on
2 this issue particularly is, am I going to be
3 able to make an educated vote on what to do and
4 how to make that recommendation to council
5 without getting out -- without getting into the
6 weeds on that issue?

7 I'm not sure that I could -- that I could
8 make and stand with a recommendation that I may
9 vote on without understanding all of the things
10 that are involved in that because as far as I
11 know now, it's pretty deep. And the
12 conversations are the same as, you know, OGC,
13 that the Police and Fire Pension Fund is set up
14 through the charter, so is there a way for us to
15 change the framework? Is this a policy or a
16 management decision that should be made or --
17 you know, I'm not so sure that we could get --
18 we could make a recommendation to council
19 without getting into the weeds is my concern.

20 MS. GARVIN: In response, if I may, I don't
21 know the answer to that either. However, I
22 think that since it is a part of the charter,
23 that it's something that we need to address,
24 and -- I want to go from the 50,000-mile picture
25 down.

1 It's not our job to work out the
2 nitty-gritty; it's our job to give a guideline
3 or an overall to make sure that there's somebody
4 there that can work out the details. It's not
5 our job to do the details; it's our job to -- to
6 give the recommendation and let the details be
7 worked out. So I don't see myself getting into
8 the nitty-gritty. I just see us looking at
9 trying to make it a broad statement, let someone
10 else do the -- the little details.

11 THE CHAIRMAN: Commissioner Miller, you
12 were going to --

13 MS. MILLER: Through the Chair, I agree
14 with Commissioners Deal and Garvin.

15 MR. AUSTIN: I, frankly, don't understand
16 this pension situation. I don't know how many
17 of you do, and I don't know how long it would
18 take me to understand it really.

19 I have a sense that maybe we should punt
20 this one, kick the can down the road, so to
21 speak.

22 I personally think it -- the City Council
23 and the mayor should appoint -- I mean, it's --
24 maybe we could recommend it, but I don't know
25 the -- what it would -- they want us to do

1 sometimes. They -- but to recommend that a
2 board of this -- knowledgeable private citizens,
3 outside of government, take this issue and have
4 a budget and study it and come back with
5 recommendations as to how it should be settled.
6 I think that they should have a small staff and
7 do it right. I don't think we have time to do
8 it right, honestly, and make a credible
9 recommendation.

10 Thank you.

11 THE CHAIRMAN: Vice Chair O'Brien.

12 MS. O'BRIEN: My concern here is -- we keep
13 saying "pension." What this is to me is this is
14 a financial issue for the City of Jacksonville,
15 and I agree it's not easy. It's not very
16 understandable, but my concern is if we had an
17 issue as a Charter Review Commission to say do
18 we want our charter to say we need a balanced
19 budget? Of course. We have that. Every year
20 we have to come up with a balanced budget.

21 Well, what happens is we're punting the
22 pension issue every year and let's just get
23 through this year, please just get me through
24 this year. You know, what's going to happen
25 20 years from now?

1 And, you know, we have not had the
2 privilege of hearing anything about the pension
3 in our meetings, and I understand time is
4 short. My concern is -- if we left it to a very
5 limited issue, like what specifically in the
6 charter could we discuss or what do we need to
7 hear, could we put in there. And maybe it's not
8 specific to the pension, but maybe what it is is
9 we need to have some kind of long-term balanced
10 budget or a plan, and maybe then what we have in
11 the charter is we have a sustainable plan for
12 pension payments, you know, for the next
13 X years. Maybe that's all that needs to be
14 amended, but, to me, I don't see that when I
15 read the charter, and my concern is I'm going to
16 be a taxpayer, hopefully, for a long time. You
17 know, I need to be able to afford those taxes,
18 and I think what is worthy of a discussion for
19 us and what potentially I'd like to see in the
20 charter is something that broad but forces us to
21 address the issue as opposed to every year
22 saying, you know, what? That's somebody else's
23 problem, that's somebody else's problem, and
24 that's why I would like to continue the
25 discussion.

1 MR. CATLETT: Mr. Chairman.

2 THE CHAIRMAN: Commissioner Catlett.

3 MR. CATLETT: Well, I have to admit, I may
4 have to recuse myself from this issue because my
5 dad was a fireman, and when I was five years
6 old -- fighting a fire on Talleyrand with oil
7 tanks, got most of his skin and all the hair on
8 his body blown off with an explosion.

9 The difference in the fire and police
10 department is none of us are fighting fires
11 while we're sitting here. None of us are
12 getting shot at trying to do our jobs. I just
13 don't see that this panel -- and I have great
14 respect for everybody here on every issue. I
15 don't see that this panel is capable of
16 negotiating what the pension should be for
17 people who are risking their lives. I just
18 don't see that.

19 And I could be wrong and I could be voted
20 down, but I think that's best left to the team
21 that's in place. The mayor has got a team. The
22 unions have got a team. They're negotiating.
23 They'll eventually come to a solution. There's
24 a legal process by which they come to that
25 solution, and I just don't see myself capable

1 because I have seen what hazard duty is up close
2 and personal as a little boy, and I can't be
3 objective. And so if I can't be objective, I've
4 got to say I'm not going to vote on it, but --

5 I certainly don't feel capable of voting on
6 something where people's lives are at stake.
7 There should be a risk premium for that, and I
8 don't know what it is. You can't bankrupt the
9 City, going the other direction. It's got to be
10 responsible and not take the whole town down
11 over a period of time, but at the same time
12 there is a risk premium and we've got to
13 recognize that. It's not an office job. It's
14 not a job manufacturing. It's not a Navy job.
15 It's a job where you go out and risk your life
16 every day or potentially risk your life every
17 day. I just don't feel capable of making that
18 assessment, and that's why the unions have paid
19 professionals and the mayor has equally capable
20 professionals, and there's a procedure in place
21 that they're going through, and I --

22 I feel like we're stumbling into -- this is
23 the current topic, so let's solve the problem.

24 I don't see that I have that capability here.

25 THE CHAIRMAN: Commissioner Catlett, I tend

1 to agree with all of that. I don't think we
2 need to get into the issue of how we fix the
3 unfunded liability. I don't think we need to
4 get into the issue of what exactly is going to
5 be the pension benefits for new hires, but I
6 agree with your statement that it can't take the
7 City down, whatever it is.

8 I think the mayor's suggestion that we let
9 the people decide on a charter amendment that
10 would prohibit the granting of new benefits
11 unless the plan is fully funded is -- is
12 democratic and enhances accountability and is
13 fiscally sound.

14 And I'm sensitive -- I agree with your
15 sensitivity on this that we do need -- we do
16 have some fiduciary obligation to make sure
17 that -- that we proceed on a sound financial
18 sound basis, and so while I -- I guess it was
19 Commissioner Oliveras' motion.

20 I'm fine with us not getting into the weeds
21 of the current problem, how we got here, how
22 we're going to fix it, and how we go forward. I
23 do think we could profitably spend some amount
24 of time talking about a charter amendment that
25 will, as you say, make sure the City doesn't get

1 brought down in the process in the future.

2 Commissioner Oliveras.

3 MR. OLIVERAS: I just want to follow up.

4 I respectfully disagree with Mayor Austin
5 that -- the City Council already has the Pension
6 Sustainability Committee empaneled. The experts
7 from all three City pensions are involved in
8 this process, the City Council is involved, the
9 City budget folks are involved. This is a money
10 issue. It's a question of money that was
11 budgeted, money that was appropriated, money
12 that was spent in other ways.

13 It's really -- it's a huge issue, but it's
14 not that complex as to what happened with the
15 money. The money was spent in other ways. I
16 just -- I don't know that it's a wise thing for
17 us to begin this process of trying to find
18 recommendations to amend the charter when the
19 City Council is doing essentially the same thing
20 currently and has been meeting for some time.

21 THE CHAIRMAN: Well, I would disagree with
22 that characterization. I don't think they're
23 thinking about amending the charter. They're
24 talking about the current crisis, how we get out
25 of it moving forward.

1 MR. OLIVERAS: But I would suggest that the
2 problem is not in the charter. The problem is
3 in the budgeting, and that's a political problem
4 with a political solution.

5 THE CHAIRMAN: I would agree the problem is
6 not in the charter, but I think the solution for
7 the next time around could be in the charter.

8 MS. O'BRIEN: And echoing our chairman's
9 comment, I believe the charter gives the
10 discipline to the mayor and to the City Council
11 to make sure that those funds are funded on an
12 annual basis and long-term. That's what I see
13 is missing right now, and that's all that,
14 personally, I'm looking at exploring.

15 Again, I don't have a perfect
16 recommendation by any means, but exploring how
17 do we use our charter to better protect our
18 officers and our financial situation to make
19 sure that the funds are there now and in the
20 long-term as opposed to the political whims of
21 an election process.

22 THE CHAIRMAN: And I would -- just to
23 dovetail on that, I do think it -- I do think
24 there is an argument that it does help protect
25 the people who are in the pension plan because

1 ultimately if we can't fix the problem, the City
2 will go bankrupt and then the entire pension
3 plan will be canceled by a bankruptcy judge and
4 we'll have -- and so the pensioners will be at
5 risk of not getting their benefits.

6 So I do think it's legitimate to say that
7 that does help not only the City financially,
8 but it does provide some level of protection to
9 the people in the plan.

10 MR. CATLIN: Did I hear you right, that
11 you -- your thought process was to -- more talk
12 about putting this on the ballot instead of
13 discussing numbers; is that how I just heard
14 your statement, Mr. Chairman?

15 THE CHAIRMAN: That's correct.

16 I don't think we need to spend any time
17 learning the ins and outs of the pension plan,
18 what decisions led us to this point, how the
19 current bargaining process is going or
20 proposals. I don't want to get into any of
21 that. I just -- for reasons that people have
22 already said.

23 I do think the mayor's suggestion is a good
24 one and I think we should keep it on the table.

25 I'm not sure, frankly, how much time we really

1 have to spend talking about it, but I do think
2 we should keep it on -- that element of the
3 pension issue on the table.

4 MR. CATLIN: That might change the way I
5 thought, then. I might be for talking about the
6 pension if we talk about putting it on the
7 ballot. But like Commissioner Catlett and
8 Oliveras said, I mean, this could take -- we
9 could have started over again and gone through
10 this.

11 So, I mean, if that's the case of --
12 talking about moving forward and talking about,
13 you know, potentially putting this on the ballot
14 and let the people decide, then I would probably
15 change my -- my thought on this.

16 MS. O'BRIEN: May I amend that to say -- I
17 mean, is it possible what we're trying to say
18 is, as a commission and our role as a Charter
19 Review Commission, how do we look at the charter
20 and what recommendation, which may be a ballot
21 initiative where we look at -- to protect the
22 financial viability of the City and the
23 petitioners -- not petitioners -- the pensioners
24 in the long run; is that basically what we're
25 getting down to?

1 COMMISSION MEMBERS: (Nod heads.)

2 THE CHAIRMAN: Commissioner Deal, did you
3 want to say something?

4 MS. DEAL: No.

5 THE CHAIRMAN: Any other comments,
6 questions?

7 COMMISSION MEMBERS: (No response.)

8 THE CHAIRMAN: Okay. Then I would like to
9 amend your motion to keep the issue of a charter
10 amendment as the mayor outlined on the table.
11 Is there a second for that?

12 MR. FLOWERS: Second.

13 THE CHAIRMAN: All in favor of keeping
14 that -- of amending the motion to keep that on
15 the table, raise your hand.

16 COMMISSION MEMBERS: (Indicating.)

17 THE CHAIRMAN: All opposed.

18 COMMISSION MEMBERS: (No response.)

19 THE CHAIRMAN: Okay. So the motion now
20 that we'll be voting on is taking the pension
21 issue off the table with the exception of a
22 charter amendment as outlined by the mayor
23 today.

24 All in -- any clarification on that before
25 we vote?

1 MS. O'BRIEN: Do we want to limit it to
2 just -- do we want to limit it to just the cap
3 on benefits unless 110 percent funded?

4 It would be -- make it cleaner, but I don't
5 know if we want to limit it specifically to that
6 or if there are other ideas that may come.

7 THE CHAIRMAN: Well, I think that's a
8 detail we could -- if we keep that on the table,
9 then that's something we can discuss. And maybe
10 our recommendation to council would not have a
11 specific number, it would just say you should
12 consider putting this issue on the ballot.

13 Okay. So all in favor of the motion to not
14 talk about pensions except maybe a cap, raise
15 your hands.

16 COMMISSION MEMBERS: (Indicating.)

17 THE CHAIRMAN: Any opposed?

18 COMMISSION MEMBERS: (No response.)

19 THE CHAIRMAN: Okay. Thank you.

20 Next issue.

21 MR. YOUNGBLOOD: Mr. Chairman, I think we
22 started with education before we got into Office
23 of General Counsel and then over into pensions.

24 And the mayor brought the point up that --
25 I think we've had a role reversal, went from

1 education being the number one priority back in
2 2003 to current -- I think it's been flipped on
3 its head and now we're back into public safety
4 versus education. I think it's one and the
5 same.

6 If we're discussing education, does that
7 get into elected or appointed school board,
8 constitutional officers, and I think they're
9 commingled again. I think they're intertwined,
10 so I'd like to bring to the table education and
11 public safety and how they're intertwined and do
12 we untangle it or do we attack it as a whole?

13 MR. CATLIN: Untangle.

14 MS. O'BRIEN: Separate them.

15 THE CHAIRMAN: Any other thoughts?

16 MR. OLIVERAS: They're just two big
17 issues. I'd like to separate them.

18 MS. O'BRIEN: Ditto.

19 THE CHAIRMAN: Okay. Which one do we want
20 to bring up first?

21 MR. YOUNGBLOOD: Education. I think it
22 stems from education. And if that's the case,
23 educational process.

24 THE CHAIRMAN: And so you would -- your
25 motion is that we continue to look at

1 education?

2 MR. YOUNGBLOOD: Education, that's
3 correct.

4 THE CHAIRMAN: Commissioner Korman.

5 MS. KORMAN: So are we going to narrow that
6 down? Because education is pretty broad --

7 MR. YOUNGBLOOD: Well, I think --

8 MS. KORMAN: -- and the issues --
9 (Simultaneous speaking.)

10 MR. YOUNGBLOOD: (Inaudible.)

11 MS. KORMAN: -- I've seen are -- I've
12 heard, no opinion -- charter school district and
13 appointed school board versus elected are the
14 two major ones I've heard. So would you suggest
15 keeping them on -- like one education day or
16 would you split them up?

17 MR. YOUNGBLOOD: I guess I can agree with
18 you there. We probably need to look at
19 appointed over elected and allow those elected
20 officials currently to make those major
21 decisions internally so it's a procedural change
22 we don't look at, but we look at the structural
23 change, and that's appointed or elected in the
24 education process.

25 So I guess to get myopic is to go back to

1 appointed or elected of the constitutional
2 officers within the educational system, which is
3 your school board members.

4 So the motion is, do we appoint or elect
5 and do we need to hear from others.

6 THE CHAIRMAN: Commissioners, comments?
7 Commissioner Oliveras.

8 MR. OLIVERAS: Did we want to narrow down
9 to such specificity today or do we want to
10 allocate time to address education specifically
11 and narrow down at that point?

12 THE CHAIRMAN: Is your comment answering
13 his quest- --

14 MS. KORMAN: (Nods head.)

15 THE CHAIRMAN: Commissioner Korman.

16 MS. KORMAN: My personal thought is that,
17 once again, we're better off trying to be as
18 specific as we can be, at least to set the frame
19 if we decide we want to talk about the school
20 board to be that narrow so everyone can suggest
21 speakers or however they want to do it. If we
22 keep it broad, I think that will get some of us
23 in (inaudible) about spanning it back in again.

24 THE CHAIRMAN: Commissioner Flowers, did
25 you want to comment?

1 MR. FLOWERS: Yes, sir. Thank you.

2 I would like to see us take and look at
3 education as a joint effort between the City and
4 the school board. Having worked in the
5 community school program in 1975, I thought that
6 system worked except that we could modify it to
7 where clear delineation of respect is put in
8 there because it incorporated the whole child.
9 And any education that does not deal with the
10 whole child environment, then it's going to fail
11 continually, and that's what's happening.

12 So if we could just look at establishing
13 some kind of relationship with the mayor and the
14 superintendent or the school board chairman
15 really mandated to work together to foster those
16 agencies, just cooperate, because now we have a
17 charter school and then you have all these
18 service agencies going different directions with
19 the same goal, but a coordination would be real
20 nice for education.

21 THE CHAIRMAN: Commissioner Miller.

22 MS. MILLER: Through the Chair, I -- before
23 we decide exactly what we're going to do in
24 education, I think we need some more guidance on
25 what we can do, and so I would thank Mr. Rohan

1 for this memorandum on constitutional officers.
2 It's very helpful, it's very clear, and I think
3 that will help us decide -- as we move forward
4 if we consider constitutional officers, I would
5 like the same kind of analysis as to school
6 board members, if that's possible.

7 And I don't know if you have a short answer
8 to that, probably not, but --

9 MR. ROHAN: Do you want me to address
10 that?

11 THE CHAIRMAN: Yes, please.

12 MR. ROHAN: Thank you.

13 Through the Chair, we gave you an opinion
14 on the five constitutional officers. There's
15 two provisions in the constitution that address
16 it. One is the Jacksonville constitutional
17 amendment by which consolidation was authorized,
18 which is a very broad grant of power, and the
19 other is -- relates specifically to the
20 constitutional officers. Both of them are in
21 agreement that the City -- the charter can be
22 amended to address that, appointed or elected.

23 With the school board members, there's a
24 conflict, and part of the reason why we have yet
25 to render an opinion at this time, because we're

1 really trying to intellectualize it and come to
2 a conclusion and research it if there's a
3 definite decision one way or the other.

4 The Jacksonville consolidation amendment --
5 the Jacksonville constitutional amendment, we
6 believe, authorizes the amendment of the charter
7 to have appointed school board members. On the
8 other hand, Article 9, Section 4 of the
9 constitution says that all school board members
10 shall be elected.

11 MS. O'BRIEN: From the state constitution?

12 MR. ROHAN: The state constitution.

13 So there's a conflict here. There's the
14 Cook case on term limits that might be argued to
15 suggest that the specific language of the
16 constitution, that there's -- to be elected
17 would control over the Jacksonville
18 constitutional amendment.

19 On the other hand, there's a former
20 Supreme Court case that seems to suggest that
21 the Jacksonville constitutional amendment is
22 all-powerful and that you could have the
23 appointments.

24 So our opinion right now is that it is
25 something you can consider. It won't be decided

1 legally one way or the other by your
2 determination. Ultimately, there will be a
3 legal challenge to it, if it's the decision to
4 go forward on an appointed board, and we think
5 you have the right to do that, but it will be a
6 contentious thing, it will be a legal dispute,
7 and we cannot predict what the outcome of that
8 litigation was.

9 And I always go back to the term limits
10 case, once again, where we won the most number
11 of judges saying that term limits was legal, but
12 the Supreme Court voted four to three that term
13 limits were not legal. So it's highly
14 unpredictable.

15 So we think you can go forward with your
16 deliberations, but we don't know what the
17 outcome will be.

18 MS. O'BRIEN: One last question.

19 Isn't one of our options to -- through the
20 City Council, to amend the state charter?

21 MR. ROHAN: Well, that's what you'll be
22 doing if you go for the appointed board. The
23 question is whether that conflicts with the
24 Florida Constitution.

25 THE CHAIRMAN: Commissioner Miller.

1 MS. MILLER: Thank you, Mr. Rohan.

2 With that said, then, since we can make a
3 recommendation, but we don't know if it will be
4 ultimately upheld, I would like us to not limit
5 our discussion. I'd like to include in our
6 discussion on education the possibility of a
7 city school district, city charter school
8 district and charter schools in general,
9 particularly for those schools that are most in
10 need, and I think we know where those schools
11 are.

12 MR. CATLETT: Mr. Chairman, I have a
13 conflict of interest I'd like to declare. We
14 occasionally do work for the school board, so I
15 won't be voting on this.

16 THE CHAIRMAN: Okay.

17 I tend to agree with Commissioner Miller,
18 that we should at least keep open as a topic of
19 discussion the issue of whether we create a
20 charter school district, either as an
21 alternative to an appointed school board or in
22 addition to an appointed school board because
23 I --

24 I started out this process thinking that
25 that was the way to go, was an appointed school

1 board. As we've moved forward, I actually think
2 that the real need is more -- or I should say
3 that the solution perhaps lies more outside of
4 the governance structure but outside of the --
5 what I have referred to before as the corporate
6 curriculum that the school district must follow
7 and the work rules that the school district must
8 follow.

9 I don't think we have any meaningful
10 alternative or competition in education, K
11 through 12, and so I certainly think it would be
12 worthwhile looking at the issue of a charter
13 school district that could create a different
14 model for our most at-risk youth to see if
15 something different works better.

16 I don't know -- I'm not familiar enough
17 with education policy to know that if we changed
18 the people at the top, what ability that they
19 will have to change the corporate curriculum. I
20 don't know the answer to that question. And we
21 can find that out, or at least we can ask the
22 question, but assuming for purposes of
23 discussion that it would make no difference -- I
24 mean, I think what we heard from the school
25 board members was that a lot of those issues are

1 set by federal law and that they feel like they
2 don't have a lot -- as much flexibility as we
3 thought they had. Well, then maybe we need an
4 alternative.

5 MR. OLIVERAS: Mr. Chairman, I would echo
6 what you said about the corporate curriculum.
7 Much of it -- No Child Left Behind, the federal
8 standards that are enforced -- the State
9 Department of Education has their own mandates,
10 many of them unfunded.

11 What I would like to see -- and I'm going
12 to express a little frustration, and -- and
13 maybe this is an idea, maybe it's a suggestion
14 that we consider.

15 I've been eager to find why effective
16 communication with the stakeholders has not
17 happened. And I've asked, and, you know, the
18 answer is, well, we meet, we meet. You know,
19 yet the problems persist.

20 And the schools have -- you know, I'm a
21 member of a SAC committee at my children's
22 school, the School Advisory Council, but that --
23 that's very localized for the individual
24 schools.

25 What I'm very interested in is finding a

1 mechanism, a structure, something that allows
2 the government stakeholders, the mayor, the
3 City Council members and the school board
4 members a problem-solving model, an advisory
5 committee, something that encourages all of
6 these elected officials to engage in problem
7 solving for our schools because I just don't see
8 that happening, and what I -- what I do get a
9 sense of is, while some parties have a
10 significant attachment to some ideas and
11 programs, it's not shared by others, so problems
12 don't get solved.

13 And we saw the presentation -- the schools
14 in the northwest section of Jacksonville, a lot
15 of problems, and they're not getting solved.
16 And I just think that if we're going to
17 deliberate on this, we need to find something
18 that we can present to City Council as a
19 problem-solving model for the key stakeholders,
20 and I -- that's more of a thinking out loud than
21 anything else.

22 THE CHAIRMAN: Well, I don't disagree. And
23 one of the reasons why I want to look at getting
24 more money out of the JEA is because if we can
25 do that, then we can propose that it be

1 dedicated to, for example, a charter -- funding
2 a charter school district. So I'm in agreement
3 with you that we should potentially -- we should
4 be recommending solutions.

5 First Commissioner Flowers.

6 MR. FLOWERS: Thank you, sir.

7 I'm trying to call our attention to this
8 experience that we had in 1975, which have all
9 of the legal things except we have to get
10 reauthorization from the State to implement what
11 we are talking about, is the consortium of
12 community education.

13 All the legal work is done, everything is
14 done, except the political power of how this
15 takes place because you've got to have an
16 ombudsman in position to help education and
17 government work together because that's what
18 we're talking about. And we need one man
19 responsible for that as opposed to all these
20 different entities trying to impact education
21 because if we don't get to the child, then all
22 of our education opportunities are lost, instead
23 of looking at trying to have a social situation
24 where we have to deal with other issues that's
25 going to be prevalent if we continue this

1 failure, and I'm trying to say that whatever we
2 need is an ombudsman for the young people so
3 that that ombudsman would have the goal or the
4 mission to increase education, and the community
5 education consortium was doing that. And if you
6 recall how it was dismissed, then you might can
7 look at that and correct it, what happened.

8 THE CHAIRMAN: Well, certainly that's an
9 issue we can look into if we move forward with
10 education as a topic, which it sounds like we
11 want to, and I'm sensing that people don't want
12 to narrow our focus on that too dramatically.

13 Does anybody disagree?

14 MR. YOUNGBLOOD: Was it too narrow a focus
15 to attempt to make a decision, though, on
16 elected versus appointed? And if we keep it
17 back to the elected position, then I think we
18 keep our framework of our forefathers, both
19 nationally and locally, of giving power to the
20 people to make those decisions versus our local
21 mayor making the decision for appointments.

22 And it sounds like, based on -- Mr. Rohan
23 brought to our attention, it's going to be in
24 direct opposition to what's currently in place,
25 the current structure, which is a pretty good

1 fight. So can we make that decision today of
2 saying elected over appointed and -- and then
3 move on to the charter, and then move on to --
4 and clip through it, Mr. Chairman?

5 THE CHAIRMAN: Well, I mean, procedurally,
6 I think we could, but I don't think people want
7 to -- on the commission, the majority I don't
8 think want to do that, but I'm interested in
9 hearing --

10 MR. YOUNGBLOOD: Just to start moving the
11 thing.

12 THE CHAIRMAN: -- from the commissioners.

13 MR. OLIVERAS: Mr. Chairman, I just -- I
14 wonder if we could take this up separately with
15 Mr. Rohan's memorandum on all the constitutional
16 officers and -- whether elected or appointed,
17 because they're all listed in the memorandum. I
18 wonder if -- if it would be more appropriate to
19 take that up specifically.

20 THE CHAIRMAN: I think we should vote on
21 education as a separate issue and then vote on
22 constitutional officers.

23 Any other thoughts, commissioners?

24 Commissioner Deal.

25 MS. DEAL: I'll give my thoughts.

1 I think it would be interesting to explore
2 some of the things that we could do as a
3 commission, such as delve more into the charter
4 school districts.

5 I am hesitant in getting into the appointed
6 versus elected, and I just -- because so much is
7 affected by federal and state as to what the
8 school board can and cannot do and -- curriculum
9 and so forth and all of that. I just --

10 I'm not really sure that the elected versus
11 appointed discussion would really get us
12 anywhere that we could approve -- that we could
13 prove that an appointed board is better than an
14 elected board and so on and so forth, so I think
15 that -- really that could carry us into some
16 major discussions and -- on that topic, so
17 that -- that's just my thought.

18 THE CHAIRMAN: Commissioner Catlin.

19 MR. CATLIN: I think it was Jim Horne whose
20 idea it was. He said I think you can decide
21 whether you have an appointed superintendent or
22 the school board, and right now I believe the
23 school board -- am I correct in saying the
24 school board appoints the superintendent?

25 THE CHAIRMAN: That's correct.

1 MR. CATLIN: Well, his point was that maybe
2 you need to look at both -- you know, he said
3 one of them needs to be appointed by the mayor,
4 so the mayor has some kind of -- if I heard him
5 correctly.

6 So I'm not saying this would come up as
7 appointed -- just the school board. This
8 might -- this might change and say, you know, we
9 think the mayor needs to have power to appoint
10 the superintendent, so I just -- I want to keep
11 that wide open.

12 THE CHAIRMAN: Well, what I'm sensing is
13 that there's a unanimity of interest in looking
14 at education. And the fact that there's a
15 divergence of opinion on what we focus on, to
16 me, indicates there's no clear consensus on that
17 level of detail. Maybe we just move forward
18 with education as an issue.

19 We've taken some items off the table, so
20 that gives us more time of a -- perhaps more
21 than one meeting to continue talking about both
22 of these issues. And maybe as we move forward,
23 maybe the first meeting, instead of having
24 speakers, we'll have a continued workshop on
25 this because I don't know that we have to get

1 down to that level of detail today, unless
2 people feel strongly about it, but as a -- as a
3 way to continue moving forward in this process
4 today, are people willing -- is it the sense of
5 the commission that we want to talk about
6 education, but we don't necessarily want to get
7 to a finer level of detail today?

8 MS. O'BRIEN: Correct.

9 MR. OLIVERAS: That would be my view.

10 THE CHAIRMAN: Anybody opposed to that?

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: Okay. So we'll keep
13 education on our issues list.

14 Let's go ahead and talk about the
15 constitutional officers. Who would like to
16 begin?

17 MR. YOUNGBLOOD: I think I made the
18 statement earlier. To keep in line with our
19 constitution, nationally and locally, is to have
20 elections to allow the people to make those
21 decisions and determinations versus
22 appointments. Just more power back to the
23 people, since it's "we, the people," to make
24 those decisions for our elected officials.

25 They represent us, they should live under

1 the same laws that they create, but definitely
2 empowered by the people to make those decisions
3 versus appointed by one particular person in
4 government.

5 THE CHAIRMAN: Commissioner Miller.

6 MS. MILLER: Through the Chair, I think
7 with Mr. Rohan's memorandum, what it -- what it
8 reemphasizes to us is that the consolidated
9 City of Jacksonville is a unique form of
10 government that has been approved by the
11 legislature way back, and there is an actual
12 constitutional amendment in the Florida
13 Constitution for the consolidated City of
14 Jacksonville. That constitutional amendment
15 acknowledges we -- that we are different and
16 also acknowledges our ability to -- and our home
17 rule to make that decision, to make those
18 decisions. It's an acknowledgment and a nod
19 toward the strong mayor form of government, and
20 what we have heard over and over again is that
21 there may be some value in having a truly
22 consolidated government, to having appointed
23 constitutional officers, all of them, some of
24 them, maybe not any of them, but if our -- if
25 the -- if the members of this -- of the original

1 Charter Review Commission recommended it, were
2 overcome by political forces, and if we come to
3 the same conclusion that they have come to, that
4 this would be a better, more efficient form
5 and -- for consolidated government, and to
6 enhance the strong mayor form of government,
7 then I think it is something we should consider,
8 and -- and the Florida Legislature, in the
9 constitution, has recognized our ability to do
10 that, so I think it's something we should
11 absolutely consider, and that would include all
12 of the constitutional officers.

13 THE CHAIRMAN: Commissioner Oliveras.

14 MR. OLIVERAS: Thank you, Mr. Chairman.

15 Looking at Mr. Rohan's memorandum, I --
16 some of these positions I would not quarrel with
17 the possibility of recommending a referendum for
18 appointment. I've take an exception with the
19 property appraiser a couple of times, but I have
20 no -- I have no beef with the current one.

21 But I will say with regard to the
22 supervisor of elections, I think there's a
23 strong argument to be made for independence in
24 that position. You go back to the 2000
25 election, presidential election, it got really

1 nasty in Broward County. They had an appointed
2 supervisor of elections.

3 I just -- I think that that is a position
4 that -- of public trust that somebody should be
5 individually accountable for. If they make a
6 bad call, if they do the wrong thing, they
7 should be held directly accountable to the
8 voters. That's a position of particular trust.

9 And with the sheriff, I -- and I don't
10 disagree that there are municipalities with
11 appointed police chiefs, appointed sheriffs that
12 do fine, they do well and they execute their
13 authority properly, ethically. But when you
14 look, the organizations -- the police
15 organizations that come under federal
16 supervision from the Department of Justice,
17 federal consent decrees, which usually stem from
18 misconduct, bad police behavior, they're almost
19 exclusively appointed police departments. And
20 I'm not prepared to make any kind of argument
21 one way or the other, but it's interesting to me
22 that that's the case.

23 LAPD just hired a new police chief and is
24 still saying how he's going to pull them out of
25 the Rampart police corruption legacy. That

1 happened a long time ago, and they're still --
2 they're still not out from under that cloud.

3 I just -- again, I think there is a value,
4 in this case, the sheriff being directly
5 accountable to the citizens. The sheriff does
6 have feedback mechanisms in place through the
7 Sheriff's Advisory Council that Sheriff Glover
8 started. The sheriff receives direct input from
9 his constituents regularly.

10 Because of the type of actions that the JSO
11 officers are involved in, somebody needs to be
12 directly accountable all the time. And, in this
13 case, it's the sheriff. And I think the system
14 works. I think we have this system that we
15 currently have as a result of lack of confidence
16 in the previous system. Prior to consolidation,
17 Dale Carson became our sheriff as a result of
18 investigations that people went to jail for.

19 So I think what we have works. I think it
20 works effectively, and this is one -- this is a
21 case where, you know, I'm -- I'm still -- and my
22 personal position notwithstanding, I don't see
23 where we make anything better for the citizens
24 of Jacksonville with an appointed police chief.

25 THE CHAIRMAN: Vice Chair O'Brien.

1 MS. O'BRIEN: In the spirit of time -- and
2 I know we still have public comment -- obviously
3 there's lots of discussion. I would move that
4 we keep this on our issue- -- top priority
5 issues list of appointed versus elected
6 constitutional officers.

7 MR. AUSTIN: Second.

8 THE CHAIRMAN: Any more discussion on
9 that?

10 MR. YOUNGBLOOD: I had a question for the
11 chairman. Is it one or all? When we make a
12 decision of appointed or elected, do we pick
13 individually?

14 MS. O'BRIEN: My motion is for all -- is to
15 discuss all constitutional officers.

16 MR. YOUNGBLOOD: Okay.

17 MS. KORMAN: And I -- yeah, I second that.
18 I think we need to look at all of them. We
19 can't just cherry pick.

20 THE CHAIRMAN: Okay.

21 Commissioner Garvin.

22 MS. GARVIN: Just to comment -- and I
23 listened to Commissioner Oliveras and he said
24 our system isn't broke, but I heard the mayor
25 say the two areas that we have the biggest

1 problem and the two areas that we talk about is
2 education and safety. Those are the two areas
3 that the mayor has the least amount, in our
4 city, of control over and yet they're the
5 biggest problems in our city, not -- not the
6 police department, but crime, safety. You know,
7 to be the murder capital is not a real proud,
8 you know, tag that we wear, so --

9 I don't know yet how I feel about elected
10 versus appointed. I haven't made that decision
11 yet, but I'm sitting here now -- I was listening
12 to the mayor and I thought, you know, the two
13 areas he has the least amount of influence in
14 and control over are the two areas that we have
15 the biggest problem in our city, so -- and
16 that's telling me it may be -- there may be
17 something broke, but before I make a decision, I
18 need to know a little bit more from people who
19 are appointed and people who are elected.

20 And I -- I know I don't want to listen to
21 any more people talk. I've heard everything in
22 the world, but -- but at the same time, we've
23 heard from our own sheriff, and we know how he
24 feels about it, but we've not heard from a mayor
25 and a sheriff where they work together. And in

1 our situation, our mayor and our sheriff,
2 fortunately, do work together, but obviously our
3 mayor doesn't have as much influence over that
4 as -- so I -- I'm confused. I don't know where
5 I stand on it, but I -- it does concern me that
6 the two areas where our mayor has the least
7 amount of -- and we talk about having a strong
8 mayoral government, and those are the two areas
9 that we have a problem in.

10 THE CHAIRMAN: Commissioner Catlett.

11 MR. CATLETT: Well, if I understood the
12 mayor correctly -- and I think I did -- what he
13 was saying is to put it on the ballot for public
14 discussion as to whether the sheriff should be
15 appointed or elected. Is that -- did I
16 misunderstand that?

17 THE CHAIRMAN: No.

18 MR. CATLETT: If I did, somebody tell me
19 now, but that's what I thought he said.

20 It's --

21 (Simultaneous speaking.)

22 THE CHAIRMAN: Well, what I thought he was
23 saying is that we, as a commission, could
24 recommend that.

25 MR. CATLETT: Okay. Well, that doesn't

1 require a whole heck of a lot of discussion.

2 THE CHAIRMAN: Well, I think it -- at a
3 minimum, it requires us deciding if we want to
4 keep it as an item to potentially include in our
5 work.

6 MR. CATLETT: Exactly, Mr. Chairman.

7 THE CHAIRMAN: So there's been a motion and
8 a second to keep on the table the issue of
9 discussing all five constitutional offices as
10 appointed versus elected.

11 Anybody want to have the last say on that?

12 MS. KORMAN: It's kind of a question that
13 goes back to the ballot issue.

14 I mean, I appreciate the mayor's comments
15 about, you know, having the citizens make a
16 choice and everything, but my concern is I don't
17 want us as a charter -- I mean, as a Charter
18 Review Commission to make all these
19 appointments -- recommendations and everything
20 goes to a ballot because what happens is after
21 we send it, it goes to City Council, the City
22 Council supports it, who's going to work on the
23 ballot initiatives?

24 And so, you know, I don't really understand
25 all the dynamics, if it has to be a ballot or if

1 it has to be a J bill or whatever else, but I --
2 I want to be very cautious about recommending
3 only ballot initiatives because I know, for one,
4 how expensive those are, you know, people can --
5 you know, the other side, the special interest
6 or whatever can outwork you, so I -- I want to
7 be really careful about that.

8 THE CHAIRMAN: Well, I'm not saying that
9 our report has to recommend a ballot
10 initiative. The mayor recommended that to us.
11 Obviously, he has a bully pulpit. He could
12 recommend that without us, but he came to us to
13 say I think this is something that you could
14 look at, but at the -- and I am sensitive to
15 your concerns. At the end of the day, we don't
16 have to recommend that route, but I do think we
17 should talk about it.

18 So all in favor of continuing to talk about
19 the issue of the five constitutional officers,
20 appointed versus elected, raise your hand.

21 COMMISSION MEMBERS: (Indicating.)

22 THE CHAIRMAN: Anybody opposed?

23 MR. CATLETT: (Indicating.)

24 THE CHAIRMAN: Okay. Let's turn to
25 Mr. Catlett's issue.

1 MR. CATLETT: Well, I -- the issue of the
2 third term for City Council has to have its
3 companion issue, which we didn't get around to
4 because we ran out of time that day. Our
5 companion issue is the staggered term.

6 The City Council has been unable to agree
7 with itself as to how they would implement
8 staggered terms. You know, you have -- if you
9 think this is tricky with 15 us of, they've got
10 19, all with a different agenda. We've got 15
11 with one agenda, and we have trouble agreeing
12 all the time.

13 There have been several opportunities for
14 staggered terms to be discussed, but they've all
15 penalized somebody. Somebody's ox was getting
16 gored and somebody else got rewarded.

17 What I'm suggesting is that we link the
18 third term initiative to have three four-year
19 terms for the City Council with a staggered term
20 election that results in six or seven being
21 elected every four years and not the fruit
22 basket turnover that we experienced recently and
23 we're going to experience again next year.

24 That's -- I want to make sure that the two of
25 those are linked together, that the three

1 four-year terms are linked to the staggered
2 elections.

3 That's the reason for the third term, not
4 because I'm happy or unhappy with
5 City Council, it's because we owe it to the
6 citizens not to have a fruit basket turnover in
7 the middle of -- beginning of the budget cycle.
8 I mean, this last -- when we had the last
9 election, it was terrible. The mayor really
10 didn't discuss how terrible it was, but it was
11 terrible, and we should be --

12 What I was charged with by President
13 Fussell at the time was to help fix things that
14 are broken. That is definitely broken. And the
15 staggering of terms, the best I can do at least,
16 is to extend it to three terms where you have
17 about a third of them running each time, and I'd
18 like to keep that on the agenda, please.

19 THE CHAIRMAN: Put that in a motion with
20 detail.

21 MR. CATLETT: Okay. I'd like to place on
22 the motion that we continue to look towards
23 staggered terms with three City Council terms of
24 four years each.

25 THE CHAIRMAN: Is there a second for that?

1 MR. OLIVERAS: (Indicating.)

2 THE CHAIRMAN: Okay. Just to clarify the
3 record, because I realized it won't be apparent
4 from the transcript, on the last vote, on the
5 constitutional officers Mr. Catlett was the sole
6 dissenting voted.

7 I don't know -- did anybody abstain?

8 MS. EICHNER: I did.

9 THE CHAIRMAN: Teresa Eichner abstained.

10 I just wanted to clarify that because it
11 won't be clear otherwise.

12 Discussion on Commissioner Catlett's
13 motion?

14 Commissioner Youngblood.

15 MR. YOUNGBLOOD: Not to disagree with him,
16 but I believe everybody else's opinion was
17 already made when we took our formal
18 presentation or attempted to, kind of moving to
19 a gubernatorial cycle, which -- correct me if
20 I'm wrong, doesn't that have a savings and it
21 also alleviates the staggered terms question
22 because now they have time to come into office
23 and make decisions of the budget? And I think,
24 thirdly, it has greater involvement from the
25 community, so -- all three levels, unless I'm

1 mistaken, based on decisions we've made previous
2 to --

3 THE CHAIRMAN: I would disagree with you.

4 All we talked about was when the election
5 would be held. That does not impact the
6 staggering issue, nor does it impact the number
7 of terms.

8 Commissioner Eichner.

9 MS. EICHNER: Just as a point of
10 clarification so we all know what numbers we're
11 talking about, there are four, possibly five
12 seats coming up for -- where council members are
13 termed out in 2011. In 2015, there will be 14
14 people coming off council, so that's -- that's
15 the issue that we're talking about in terms of
16 staggering council terms. I just wanted to
17 clarify that.

18 THE CHAIRMAN: Commissioner Oliveras.

19 MR. OLIVERAS: I'd just like to lend my
20 support to Commissioner Catlett. I think that
21 the idea of a third term may be a little squishy
22 to some folks, but I think it gets us to a place
23 with the staggered terms that we need to be for
24 the -- for the good governance of Jacksonville,
25 so I support it.

1 THE CHAIRMAN: Other comments?

2 COMMISSION MEMBERS: (No response.)

3 THE CHAIRMAN: All in favor of keeping this
4 on the agenda.

5 COMMISSION MEMBERS: (Indicating.)

6 THE CHAIRMAN: All opposed.

7 COMMISSION MEMBERS: (No response.)

8 THE CHAIRMAN: Did anybody abstain?

9 COMMISSION MEMBERS: (No response.)

10 THE CHAIRMAN: Then that was unanimous.
11 Ethics.

12 MR. YOUNGBLOOD: Carla Miller has done a
13 good job bringing this to the forefront. And I
14 think even with public comments from Mr. Nooney,
15 it appears to have heard from the public and to
16 have heard from Mr. Gillam and others.

17 First, I'm -- the first glance I thought,
18 oh, we don't need another layer of bureaucracy,
19 but to know that it was there at one time and
20 was removed, we need to seriously look at it.
21 And not that we have a problem. I don't think
22 we have a problem, but I enjoy oversight and I
23 can appreciate a watch dog group.

24 And she did a very unique job in -- I think
25 an e-mail that all of us received, not a poodle

1 and not a Doberman, but a watch dog. I don't
2 like that aspect, and I think the -- the people
3 will overwhelmingly appreciate if we take a
4 closer look at that and put that back in our
5 charter.

6 THE CHAIRMAN: So you would recommend we
7 keep talking about --

8 MR. YOUNGBLOOD: A motion to recommend to
9 keep that on a top issue, yeah.

10 MR. FLOWERS: I second.

11 THE CHAIRMAN: Okay. Further discussion?

12 MR. AUSTIN: (Inaudible.)

13 THE CHAIRMAN: Keeping ethics on the
14 agenda.

15 Any other issues -- excuse me -- any other
16 comments on that issue?

17 COMMISSION MEMBERS: (No response.)

18 THE CHAIRMAN: Is anybody opposed? That
19 would be easier.

20 MR. AUSTIN: (Indicating.)

21 (Ms. Korman not in attendance.)

22 THE CHAIRMAN: Okay. One vote in
23 opposition to keeping that on the agenda.

24 (Ms. Korman reenters the proceedings.)

25 THE CHAIRMAN: Commissioner Eichner.

1 MS. EICHNER: You brought up an interesting
2 point earlier in our conversation about ethics.
3 And when we get to that, can we make sure that
4 we get that question answered, as to whether it
5 was removed originally from the charter because
6 the State Ethics Commission was created?

7 THE CHAIRMAN: Sure. I mean, we can
8 certainly try to find out.

9 MS. EICHNER: Okay.

10 THE CHAIRMAN: I was given a -- the reason
11 I said that is because I was given a copy of the
12 report that Jim Rinaman prepared when he was
13 exiting as General Counsel in '71, I believe it
14 was, or '72. And in that report, he recommends
15 removing the ethics code from the charter to
16 remove the inconsistency with the State ethics
17 code. I don't know if that's why, in fact, it
18 was done or if it was done then, but that's
19 where I got that data point.

20 MS. EICHNER: Okay.

21 THE CHAIRMAN: Anything else?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: I will say that when we're
24 done, I will raise the issue with the commission
25 that we recommend the council giving this body,

1 the next time around, a year to do this job, and
2 maybe we -- the ability to put something
3 directly on the ballot, but that's a discussion
4 for later on. And if we run out of time, we run
5 out of time, but I -- those are other minor
6 issues that I think we, as a commission, could
7 talk about as including in our report.

8 Anything else?

9 COMMISSION MEMBERS: (No response.)

10 THE CHAIRMAN: Okay. We have public
11 comment.

12 (Audience member approaches the podium.)

13 THE CHAIRMAN: Mr. Nooney. What a
14 surprise.

15 Now, you know I'm kidding you.

16 Name and address for the record.

17 AUDIENCE MEMBER: Yes.

18 John Nooney, 8356 Bascom Road,
19 Jacksonville, Florida 32216.

20 You know, appointed constitutional
21 officers, elected constitutional officers, you
22 know, four years, eight years, twelve years, you
23 know, flip a coin because it doesn't matter if
24 you don't have the code of ethics that was in
25 our original charter. It really means nothing.

1 What I want to just share with you -- you
2 know, a couple of things. You know, when -- in
3 that -- what I just said really just sums --
4 sums that up.

5 What I'm going to share with you is Rules.
6 You know, Monday at Rules. And, again, that
7 JCCI study. You know, our money, our City
8 financing Jacksonville's future. I participated
9 in it.

10 And right now I can't emphasize, you know,
11 how excited I am for this commission because you
12 really can save this city because, in my
13 opinion, the public trust is being just
14 completely and totally decimated and destroyed
15 in this community, and a recommendation out of
16 JCCI -- now, here's Rules. You know, there's no
17 public comment, but that was a recommendation.
18 And I shared with all of you about, you know,
19 well, free speech. And there was an ordinance,
20 2009-611. And, well, here it was withdrawn at
21 Rules, and that should concern everybody.

22 Now, Councilmember Lee said that she will
23 be reintroducing a new piece of legislation
24 within the next cycle. I hope that happens, but
25 if it doesn't, there are options to move this

1 issue forward, and one is the Charter Revision
2 Commission. You can put it in the charter that
3 during a City Council meeting there can be
4 public comment in the beginning and public
5 comment at the end. It's that simple. So that
6 is an option if this doesn't move forward within
7 the parameters of the -- the meetings that you
8 have left.

9 Another one, when you talk about, you know,
10 the benefits. Well, here, again, at Rules there
11 was an ordinance, 2009-645. It was introduced
12 by Councilman Shad, and -- remind you, you know,
13 you're volunteering. If you think back to the
14 original charter and Judge Durden, when he
15 addressed you all, and -- volunteering.

16 Well, here is the pension summary for our
17 part-time elected legislative representatives.
18 The base salary, 45,000. And here's 15,000 just
19 in benefits. City contribution, City
20 contribution, City contribution, City
21 contribution, City contribution. It's right
22 here. They didn't budge off that a dime.

23 So when you look forward -- you know, we do
24 have a -- we have a spending crisis, you know,
25 within this City. You know, and no one right

1 now is going to budge. So we're on a course,
2 you know, really with bankruptcy at some point,
3 or how much more are you going to just take from
4 the taxpayers?

5 So, again, when you go back and look at the
6 charter, what was the original intent, you know,
7 for retirement? That must have been addressed
8 early. I have no idea what it was, but you can
9 see how everything has been just taken apart and
10 ripped apart. It just needs to be back to what
11 it was because what it was was good.

12 So there are -- you know, I -- I just want
13 to just -- you know, just finish with that.
14 And, again, I applaud what you're doing. You're
15 volunteering and my hat is off to you.

16 So thanks for listening.

17 THE CHAIRMAN: Thank you, Mr. Nooney.

18 Mr. Markle, I saw you getting a card. Do
19 you want to address us?

20 (Ms. Deal exits the proceedings.)

21 (Audience member approaches the podium.)

22 AUDIENCE MEMBER: Conrad Markle,
23 representing Concerned Taxpayers of Duval
24 County. Business owner, 1146 Romney Street in
25 Arlington.

1 I -- I just wanted to -- I know we're short
2 on time or whatever. I -- Mr. Nooney and I very
3 much savor these public comments, and I have
4 really but our heads against the situation with
5 the City Council. He's been very much pushing
6 for this additional public comment at City
7 Council, which is just going to be more salt in
8 the wound for them because they begrudge us the
9 amount of public comment that we have now.

10 The last time I spoke, myself, five weeks
11 ago, Rod Morrell, who's a member of the
12 Concerned Taxpayers, who speaks quite often down
13 there, made a joke in front of -- when he spoke
14 in front of me, that he thought maybe he should
15 call for a quorum before speaking because they
16 get up and take breaks, they snooze, they walk
17 out.

18 I've thought about trying to get some of
19 the people from the Times-Union or one of the
20 media outlets to do a -- something like an exit
21 poll on the council members down there to see
22 what they remember about what is brought up
23 during public comment. It's just something that
24 they endure only.

25 But any rate, I -- I feel like I'm -- when

1 I'm there and when I'm here, I feel like I'm
2 trying to run about a 440-yard dash in the
3 amount of time that's given for a 50-yard dash,
4 so what I wanted to hit on here, in line with
5 what Ms. Miller said, when she -- she piqued my
6 interest a while ago. She was talking about the
7 lack of due process, which I have run into
8 trying to deal with certain segments of the City
9 government when there's a grievance.

10 There was a proposition brought up, and
11 Ms. Barrett seemed to be the one only one that
12 had it, it was the -- the idea of the ombudsman,
13 which she dropped with only the comment that she
14 was going to try and take it up with
15 Mr. Rinaman.

16 And I had to dig back through the
17 transcripts to find that Mr. Rinaman had -- in
18 all that elongated process -- or presentation he
19 made, one of the things he brought up was the
20 idea of a possible ombudsman, so I went and --
21 and found Mr. Rinaman and had a brief
22 conversation with him because I couldn't get
23 anything back from Ms. Barrett as far as what
24 her intentions were, but Mr. Rinaman is
25 interesting because of this all-encompassing ego

1 of his. He describes an ombudsman to me as
2 being something like the Wizard of Oz. This guy
3 would be able to do everything. He would be
4 like Superman, but running -- going between all
5 the different branches of City government,
6 different governmental agencies, as well as
7 representing a grievance by a citizen could --
8 could also be included, according to his take on
9 it, but --

10 One of the things that came out with --
11 John Nooney and I were both on the JCCI study
12 last winter. I got into it because -- I haven't
13 had any local governmental grounding since ninth
14 grade civics, which used to be -- when I was in
15 ninth grade in Duval County, we got a pretty
16 good grounding in the way this whole process
17 worked, but apparently they don't even teach it
18 anymore from what I keep hearing in the school
19 board discussions, about the need for civics
20 being added back.

21 THE CHAIRMAN: Mr. Markle, I need you to
22 wrap it up.

23 MR. MARKLE: Okay. But I -- I just wanted
24 to emphasize this thing about the ombudsman
25 creating redress for the citizens, the -- the

1 members of the plebiscite and the common citizen
2 in this -- our only vestige of an open democracy
3 that we have here in City Council.

4 Thank you.

5 THE CHAIRMAN: Thank you.

6 Commissioners, thank you for your time and
7 your effort today.

8 To Commissioner Miller and to Mr. Catlin,
9 I'm sorry that it worked out the way it did on
10 the Office of General Counsel. I admire your
11 passion and your commitment. I think there is
12 something there, but clearly there's not a
13 consensus on the commission to continue with
14 it.

15 Again, my commitment to you is if at the
16 end of the process we feel like there's time to
17 continue to look at that, I'm happy to do that,
18 but -- but I appreciate you taking the lead on
19 those -- the two of you taking the lead on that
20 issue.

21 MR. CATLIN: It wasn't a -- it wasn't
22 personal, so don't worry about apologizing.

23 THE CHAIRMAN: Okay. Commissioner Catlett,
24 did you want to --

25 MR. CATLETT: Yes. On that particular

1 topic, I still think that if they came up with
2 some specific recommendations that -- being on
3 the opposing side, I have no problem with having
4 a motion to reconsider if we have some specific
5 recommendations from either Commissioner Catlin
6 or Commissioner Miller.

7 THE CHAIRMAN: And I see other heads
8 nodding.

9 Okay. Does anybody have any other items to
10 take up?

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: Just to refresh your memory,
13 we do not meet next week, obviously, because of
14 Thanksgiving. Our next meeting will be on
15 December 3rd.

16 And I will, right now, because they're here
17 in town and it would probably be easy to
18 schedule speakers, I think we're going to look
19 at one item from the JEA as the meeting topic
20 that day because I'm fairly confident I can
21 schedule speakers with just this amount of
22 notice between now and then. So that's -- as a
23 preliminary FYI.

24 Going forward, though, please, please,
25 please, if there are speakers that you want me

1 to contact on these issues that we've kept on
2 the table, send them to Jeff.

3 All right. Everybody have a great
4 Thanksgiving.

5 (The above proceedings were adjourned at
6 12:10 p.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF DUVAL :

I, Diane M. Tropa, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 29th day of November, 2009.

Diane M. Tropa