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CITY OF JACKSONVILLE
CHARTER REVISION COMMISSION
MEETING

Proceedings held on Thursday, December 10,
2009, commencing at 9:00 a.m., City Hall, Council
Chambers, 1st Floor, Jacksonville, Florida, before
Diane M. Tropa, a Notary Public in and for the State
of Florida at Large.

PRESENT:

- WYMAN DUGGAN, 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.
- 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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P R O C E E D I N G S

December 10, 2009 9:00 a.m.

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THE CHAIRMAN: Good morning.

I call to order the December 10th, 2009, meeting of the Charter Revision Commission.

We have a very full agenda today, so I will move right into it.

As a reminder, please turn your cell phones to silent.

Let's begin with a roll call, starting with Commissioner Thompson.

MR. THOMPSON: Curtis Thompson.

MS. KORMAN: Ali Korman.

MR. FLOWERS: Robert Flowers.

MS. EICHNER: Teresa Eichner.

THE CHAIRMAN: Wyman Duggan.

MR. AUSTIN: Ed Austin.

MS. DEAL: Jessica Deal.

MR. CATLIN: Billy Catlin.

MR. YOUNGBLOOD: Geoff Youngblood.

THE CHAIRMAN: And I know that Vice Chair O'Brien is out of town and Commissioner Oliveras is, unfortunately, at a memorial service for his father-in-law who passed away.

1 We'll begin with the Pledge of Allegiance
2 and a moment of silence. And during the moment
3 of silence, my thoughts will be with
4 Commissioner Oliveras' family.

5 (Recitation of the Pledge of Allegiance.)

6 THE CHAIRMAN: Thank you.

7 As you can see from the agenda, our issue
8 this morning is the elected versus appointed
9 constitutional officers and the school board,
10 and our first speaker will be Sheriff John
11 Rutherford.

12 (Sheriff Rutherford approaches the podium.)

13 THE CHAIRMAN: Welcome, Sheriff.

14 SHERIFF RUTHERFORD: Thank you,
15 Mr. Chairman, committee members.

16 How are you this morning?

17 THE CHAIRMAN: Sheriff, if you could state
18 your name and address for the record, and our
19 court reporter will swear you in.

20 SHERIFF RUTHERFORD: Sheriff John
21 Rutherford.

22 THE REPORTER: Would you raise your right
23 hand for me, please.

24 SHERIFF RUTHERFORD: (Complies.)

25 THE REPORTER: Do you affirm that the

1 testimony you're about to give will be the
2 truth, the whole truth, and nothing but the
3 truth so help you God?

4 SHERIFF RUTHERFORD: I do.

5 THE REPORTER: Thank you.

6 THE CHAIRMAN: Welcome, Sheriff.
7 Please proceed.

8 SHERIFF RUTHERFORD: Thank you,
9 Mr. Chairman.

10 And I particularly appreciate this
11 opportunity to come back and -- before you, and
12 address some issues that have been discussed and
13 to raise some new issues for you.

14 (Ms. Miller enters the proceedings.)

15 SHERIFF RUTHERFORD: I have a PowerPoint
16 display, and I think you've been provided copies
17 of it.

18 THE CHAIRMAN: Yes.

19 SHERIFF RUTHERFORD: Okay. You know, there
20 is -- there's an old adage out there that I'm
21 sure all of you heard many times, and that is,
22 if it ain't broke, don't fix it. And, quite
23 frankly, when this discussion began about
24 elected versus appointed, I had little concern
25 because I know it's not broke. But after the

1 presentations you've heard, I can understand how
2 you, as commission members, might think that
3 it's broke.

4 If I were told that an organization had a
5 500 percent increase in their budget over eight
6 budget cycles, I too would think it was broke.

7 If I was told the pension fund was
8 \$900 million unfunded, I too might think it's
9 broke.

10 If I was told constitutional officers were
11 trying to pull away from consolidated
12 government, I too might think it was broke.

13 (Ms. Herrington enters the proceedings.)

14 SHERIFF RUTHERFORD: If I was told
15 police-involved shootings were unreasonably
16 high, I too might think it was broke.

17 And, finally, if I was, today, the elected
18 sheriff of position -- the sheriff's position
19 was a political compromise, I too might think it
20 was broke.

21 So I could easily understand how many of
22 you might feel the need to fix some things, but
23 do you really need to fix any of these issues?
24 Is it broken? And let me provide a few facts on
25 each of these issues separately.

1 First, the budget increase of 500 percent
2 over eight budget years. This first slide that
3 you see here is the budget for the Jacksonville
4 Sheriff's Office going back to 2003 when I was
5 first elected.

6 I want to point out to you first, in that
7 second column, the approved budget in 2003 was
8 215 million. And then by fiscal year '09/'10,
9 it's jumped to 355 million. But if you do the
10 math, that 500 percent increase over an
11 eight-budget cycle missed by about 460 percent.

12 If you look to the right, the third column
13 from the right, you see the increase --
14 percentage increase of the approved budget,
15 including the pension costs. And you see
16 first year, 4.41 percent, 10.28 percent,
17 10.47 percent, 8.76 percent, and on down that
18 list.

19 If you look to the column to the right of
20 that, you see the increase in the budget minus
21 the pension increase, and that's 4.2, 6.7, so
22 you can see that the pension increase over that
23 period of time was responsible for a large
24 portion of our total budget increase.

25 Now, on slide 2, even with this increase --

1 I want to show you the -- this is the '08/'09
2 per capita spending by county comparison that
3 was in the mayor's Fix It Now campaign.

4 Jacksonville spends -- this is '08/'09, so
5 this is after all this increase since 2003.

6 Jacksonville is still spending almost half
7 what some other counties are spending for police
8 in their communities. Three hundred and
9 seventy-eight -- and you can see the others. It
10 goes as high as 714 in Tampa/Hillsborough.

11 Now, this is why we have unfunded the City
12 for quite sometime. This is our millage rate,
13 8.48, on slide 3.

14 We rolled that millage rate back, probably
15 a good thing when we initially started, but we
16 continued to roll it back when maybe it wasn't
17 wise to do. 8.48.

18 The police per capita ratio is also a
19 result of this underfunding.

20 At one point you see Jacksonville -- this
21 is officer per 1,000 population for the seven
22 major counties in the state. You see
23 Jacksonville to the right -- there are seven
24 major cities. You see Jacksonville to the right
25 at 1.95. St. Pete is the next closest with

1 2.14. The average number of officers in these
2 cities is 2.40.

3 The red bar that you see represents where
4 Jacksonville would move from that 1.95 -- we
5 would move to 2.21 if we received all 225
6 officers that I began the campaign for some two
7 years ago.

8 Now, we've made some strides. The City
9 Council and the mayor's office understood these
10 numbers, understood the need to get these
11 officers on the street. If you remember at that
12 time, we were having a tremendous spike in our
13 crime and our murder and some other law
14 enforcement challenges, and so we are now up to
15 1.99 officers per thousand population. So we
16 are moving in the right direction.

17 In fact, we -- these are the position
18 additions that we've added in this eight-year
19 cycle: 128 police officers, 147 corrections,
20 92 community service officers. We stretched the
21 tax dollars that we have. And this, I think, is
22 necessary to fight crime in Jacksonville.

23 Now, as we were short staffing in all of
24 these positions, the crime hit. As we added
25 staff to address that violent crime spike, our

1 pension costs also began to sore.

2 Now, this first slide here is showing you
3 the percentages that were taken from the reserve
4 accounts. And this slide shows you the
5 actual -- the next slide shows you the actual --
6 slide number 7 shows you the actual dollars that
7 were removed from the excess pension reserves to
8 the tune of 274 million.

9 And I'll point out number -- subtitle
10 number 3 at the bottom there. If -- if you
11 extend out the savings from DROP participants,
12 that was -- that goes out to 41 million if you
13 extend out to the 2009 budget cycle, an
14 additional 41 million in savings over that
15 period of time, that 14 years that those funds
16 were removed from not only the Police and Fire
17 Pension Fund but the General Employee Pension
18 Fund as well.

19 Then in '07 and '08, again as that crime
20 spiked, citizens were under attack, police were
21 under attack. And, in fact, this chart shows
22 from 1989 to 2009 the overall crime in
23 Jacksonville, and you can see the spike in '07
24 and '08 when crime spiked up significantly.

25 And, in fact, in 2007, we had 53,000 total

1 crimes. We had 54,000 by 2008. And you can see
2 that violent crime was on the rise as well.

3 The numbers that you see at the top, 17, 28
4 and 13, those are the number of police-involved
5 shootings. You can also see the projected
6 numbers for the crime reduction in Jacksonville
7 this year. We are projected to come in with an
8 11 percent reduction in violent crime.

9 Folks, those are historic, historic
10 numbers. You could tell from looking at this
11 chart, those are the lowest crime numbers --
12 total raw crime numbers we've had in over
13 20 years, and that's as far as we could go back
14 electronically. We could dust some books off
15 maybe and find some further numbers back, but I
16 think that makes the point.

17 The point here is, folks, not only were the
18 citizens of Jacksonville under attack with
19 murder spiking, but police officers were under
20 attack as well.

21 And I use this next chart, number 9, to
22 show you that violent crime from 2002 to 2007
23 was fairly up and down. It really spiked in
24 '08, but the blue bar there is the number of
25 violent crimes involving the use of a gun. And

1 you can see that was a steady, steady increase
2 until 2008 when we put all those officers --
3 began to put all those officers on the street
4 and crime started to go back down. It had an
5 impact.

6 As a result, when the crime went down, when
7 the violence went down, when the guns went down,
8 when the guns being used in violent crimes went
9 down, police-involved shootings went down over
10 50 percent.

11 Now that you have those facts, clearly the
12 pension needs to be resolved. But as some of
13 you have already stated, that does not -- that
14 is not a charter issue; that's outside the
15 charter, and a charter revision is not required,
16 nor is an appointed chief.

17 Now, many of you may be unfamiliar with
18 crime-fighting and law enforcement in the
19 Jacksonville Sheriff's Office. You might not be
20 aware of the distinguished reputation that this
21 agency enjoys not only in Florida but in the
22 country.

23 This is the Matrix Consulting Group, and
24 I'm going to give you a few things that -- this
25 is the group that Mayor Peyton, the City Council

1 president and myself hired to come in here and
2 conduct an operational audit of the Jacksonville
3 Sheriff's Office. Very nationally -- they're a
4 national police auditing organization. They
5 came here in 2007. This is a quote out of their
6 executive summary:

7 It says, "This sheriff's office has
8 developed a culture of excellence which can be
9 seen in the quality of its management, its
10 attention to the efficiency and effectiveness of
11 its programs and services as well as its
12 attention to community needs."

13 We are also a model in community
14 problem-solving recognized around the world --
15 I'm sorry. Let me -- on slide 11 first,
16 accreditation. Let me talk about accreditation.

17 There are five accrediting organizations
18 that we are accredited by. The Jacksonville
19 Sheriff's Office is one of a very small number
20 of law enforcement agencies across the country
21 that possess what's known as the triple crown of
22 national accreditation. That means we are
23 accredited by CALEA, the Commission on Law
24 Enforcement Accreditation; we are accredited by
25 NCCHC, the National Commission on Correctional

1 Health Care; and we are accredited by the
2 American Correctional Association.

3 In addition to that, we are accredited by
4 the Florida Corrections Accreditation Commission
5 and the Florida Model Jail Standards.

6 I should say, I -- we may be one of the
7 largest agencies also that is triple crown
8 accredited, by the way. And it's a very small
9 number, probably around a couple dozen maybe out
10 of the thousands and thousands of law
11 enforcement agencies in the country.

12 I'd like to read to you a couple of
13 statements. These are the standards -- I'm not
14 going to read the standards, don't worry about
15 that.

16 These are the standards that are required
17 through each of these accreditations. I totaled
18 this up for you. There are 1,242 standards --
19 recognized standards that the Jacksonville
20 Sheriff's Office meets to maintain these five
21 accreditations, 1,242 that we have met.

22 Now, let me move to the issue of community
23 problem solving, where the Jacksonville
24 Sheriff's Office is a model agency recognized
25 around the country. In fact, the Police

1 Research Executive Forum commissioned a study
2 from the Department of Justice, a million-dollar
3 grant that they received to come to Jacksonville
4 to study Operation Safe Streets and the
5 community problem-solving initiatives embedded
6 in that strategy.

7 The PERF study will include analyses of
8 JSO's integration of intelligence-led policing
9 into community outreach and strategic deployment
10 of resources here in Jacksonville.

11 Let me read to you just a couple of
12 statements from nationally-recognized leaders in
13 the field of criminology, one from Dr. Ed
14 McGarrell from Michigan State University, who's
15 visited with us a couple of times, and he
16 says:

17 "As police leaders and police scholars
18 discuss the future of policing, we hear ideas
19 such as risk-based policing, intelligence-led
20 policing, and predictive policing, all of which
21 incorporate enhanced analysis and integration of
22 analysis throughout of the organization.

23 "As I reflected on this, I thought, 'This
24 is what is already happening in the Jacksonville
25 Sheriff's office.' Your crime analysis unit is

1 considered a national leader. One of the
2 challenges I see in many law enforcement
3 agencies is that crime analysis is not
4 systematically integrated with other functions
5 of the agency. However, JSO's continuous
6 improvement to vision supports this type of
7 integration and strategic focus.

8 "As I told you following one of my visits,
9 I was particularly impressed with the
10 comprehensive approach that JSO follows in
11 dealing with the community safety. Ongoing
12 problem solving is infused throughout the
13 organization."

14 And he goes on to say, this is simply a
15 note to express his appreciation for us and --
16 and spending time with JSO and to observe the
17 many cutting-edge innovations that characterize
18 the Jacksonville Sheriff's Office.

19 Next is a comment from Dr. Jerry Ratcliffe
20 from Temple University, who wrote the book --
21 literally wrote the book on intelligence-led
22 policing.

23 He said, after one of his visits here, "It
24 is clear that the Jacksonville Sheriff's Office
25 is in the vanguard nationally with regard to the

1 integration and application of data and
2 technology to crime fighting. Not only are the
3 systems advanced, but there is an advanced
4 understanding of business processes and crime
5 prevention models that influences and drives
6 operational activities. JSO is a good example
7 of technology being applied to real and direct
8 benefits on the street."

9 That's Jerry Ratcliffe from Temple
10 University.

11 And then there's also a very brief comment
12 by Rachel Bambery. She is the National Manager
13 of Neighborhood Support from New Zealand. She
14 came to see some of what we were doing here in
15 Jacksonville, and she mentioned in a letter --
16 and I pulled this out -- "how I have raved about
17 it being the best intel section in the world."

18 So we are internationally recognized as a
19 leader in law enforcement.

20 We're also LEAN. On the next slide, you
21 will see that the Jacksonville Sheriff's Office
22 is one of the first LEAN law enforcement
23 agencies to join the LEAN Consortium. And I
24 hope some of you are aware of what LEAN is and
25 the consortium, but it's about applying LEAN

1 principles in process improvement, systems,
2 operations, and efficiency.

3 And what we did here in Jacksonville was we
4 cojoined our crime analysis unit, our continuous
5 improvement, research and development, and
6 integrated systems management technology to
7 exploit energies -- synergies and accelerate
8 improvement measures. We are LEAN.

9 In fact, this was a -- out of a
10 high-performance management consortium
11 newsletter that was written by Doc Hall --
12 Robert Hall. Doc Hall is the editor-in-chief of
13 Target Magazine, and this is just the lead into
14 his article. And it says, "LEAN expands right
15 into the sheriff's office." And he goes on to
16 talk about "Jacksonville, Florida has the first
17 known law enforcement agency in the United
18 States to eliminate waste from its operations
19 with continuous improvement."

20 LEAN.

21 "It is far from being completely
22 implemented, but results so far are dramatic,"
23 and they are.

24 "This initiative could become a
25 path-breaker for other law enforcement

1 agencies."

2 In fact, we -- somewhere -- are in the area
3 of about \$45 million in expenditures that we
4 have averted and avoided as a result of our LEAN
5 processes.

6 So I believe what all of this demonstrates
7 is Jacksonville -- the Jacksonville's Sheriff's
8 Office -- led by an elected sheriff, by the
9 way -- is a leader in law enforcement and
10 operational efficiency.

11 And let me discuss now why I believe the
12 people of Jacksonville voted to elect their
13 sheriff.

14 Elected is closer to the public and the
15 neighborhoods. Our Sheriff's Advisory Council,
16 that membership grew from 600 to over 2,500
17 after I became sheriff. Those are individuals
18 who sit down with us, month in and month out, to
19 fight crime in their neighborhoods.

20 Now, three things that I told this
21 community we were going to need to fight back
22 this violent crime spike that we saw coming in
23 2005:

24 Number one, I said we were going to have to
25 have more boots on the street, simply more

1 policing was going to take more police.

2 Secondly, what he had to have was
3 massive -- not community support. That's not
4 enough. We needed massive community
5 involvement. This is involvement.

6 And then, third and finally, we had to have
7 aggressive prosecution. And I can tell you,
8 with the current state attorney, we now have
9 very aggressive prosecution.

10 And that is, I think -- those three things
11 are responsible for this historic drop in
12 crime.

13 Our Operation Safe Streets, we've already
14 talked about that. Our Gun Bounty Program,
15 where we worked with the Chamber -- Jessica --
16 that whole process worked very well.

17 We increased our tips from the community
18 over 200 percent. We have tremendous successes
19 with -- and, in fact, it was just in the
20 paper -- with the Fresh Ministries and their
21 Six Point program on the east side.

22 Our New Town Success Zone was just in the
23 paper. Tremendous success over there.
24 Thirty-four and 37 percent reductions in violent
25 crimes in those areas. Huge, huge gains as a

1 result of being closer and working closer with
2 the neighborhoods.

3 Operation Showdown, our Police Athletic
4 League and how we expanded into Mallison and had
5 tremendous impact on violent crime and crime in
6 general in that Lackawanna area.

7 Project Safe Students in Schools. I'm not
8 surprised that suspensions are down this year.
9 If you look, the Project Safe Students in
10 Schools has had a tremendous impact as a result
11 of our school resource officers and that program
12 where we identify children who are going down
13 the wrong road and then intervene and provide
14 services.

15 The Crime Prevention Walks that I have
16 going into these communities, many of them in
17 the New Town and the Six Point community on the
18 east side.

19 Being elected also provides for greater
20 critical collaborations and designations. We
21 created the -- Governor Bush, after 9/11,
22 created the Regional Domestic Security Task
23 Force, and 13 counties were then unified in
24 anti-terrorism preparedness and response.

25 We began receiving federal anti-terrorism

1 money in 2005. Today, tens of millions of
2 dollars in funding have been secured not only
3 for the Jacksonville Sheriff's Office, but for
4 the region around Jacksonville.

5 Our High Intensity Drug Trafficking Area in
6 partnership with the FBI, the FHP and others,
7 tremendous successes there.

8 And the greatest success is in being able
9 to bring dollars in from a local, state, and
10 federal perspective to -- because I have a
11 constituency. And when we're fighting for the
12 dollars out there against other law enforcement
13 agencies, being elected has its advantages.

14 It also helps with legislative issues.
15 Since being elected sheriff, I was able to
16 create the Habitual Misdemeanor Offender statute
17 that was passed by the legislature, which has
18 helped us to reduce recidivism and provide true
19 treatment for people with mental health and
20 substance abuse issues in our community.

21 Advocated with the mayor for the Home Rule
22 directly with the governor when this Amendment 1
23 was going through, and the issue to create a
24 rollback to '07/'08 levels and cuts. At one
25 time, that was going to be a one-size-fits-all

1 cut. The mayor and I and others were successful
2 in negotiating a 3 percent cut for Duval
3 County. Some counties were cut as high as
4 9 percent, which would have been devastating for
5 Duval. Three percent was tough enough.

6 And then, finally, last year we got the
7 crusher operator bill passed. That's in the law
8 now, requiring scrap metal dealers to have the
9 proper title before destroying vehicles. As a
10 result of that, auto thefts this year --

11 What was going on, they were stealing
12 vehicles. They just go tow them, take them
13 straight to a crusher. That stolen vehicle
14 would be in a steel square before it was ever
15 reported, and those cars were never found.
16 That's stopped.

17 Auto thefts this year are down 33 percent.
18 That's because I had the political influence in
19 Tallahassee to get this crusher operator bill
20 passed. That's important not only for this
21 community, but for the state of Florida. That's
22 what you get with an elected leader instead of
23 appointed.

24 Now, here are the results of elected
25 leadership in Jacksonville. The largest decline

1 in overall crime in 20 years, and here are the
2 numbers: You can see the chart on page 22,
3 tremendous reductions. And I'm sure that those
4 projections are going to hold. We're only less
5 than a month out now, and it looks like it's
6 going to hold. We're going to have an at least
7 11 percent, if not more, reduction in
8 Jacksonville.

9 In closing, let me say a few things that I
10 think are very important surrounding this whole
11 elected versus appointed issue.

12 Elected provides greater knowledge of and
13 commitment to the community. I'm not a chief
14 who came here from Baltimore or Philly or
15 anywhere else. I was raised in the public
16 schools here in Duval County, educated at
17 Florida State. I've lived here most of my
18 life. I'm raising my children here. My
19 children are here; my grandchildren are here.

20 That's a commitment that you're not going
21 to get from a chief who has an average tenure --
22 and this is from the Major City Chiefs
23 Association. The average tenure of a major city
24 chief is three and one-half years. Three and
25 one-half years, which segues right into the next

1 point that I want to make.

2 That greater longevity of the agency head,
3 with the approval of the people, obviously,
4 provides greater agency stability. These
5 long-range, long-term projects that I just spoke
6 of -- intelligence-led policing, community
7 problem solving initiatives -- those things
8 aren't done over night. And I can tell you,
9 they're not done in three-and-a-half years.

10 You change administrators of your law
11 enforcement agency every three-and-a-half years
12 and you have turmoil. You ask any major city
13 chief if they would prefer to be elected or
14 appointed, and they will tell you elected
15 because they desire that continuity. They would
16 love to have that longevity so that they could
17 accomplish the things that they know need to be
18 done within their agencies.

19 An elected sheriff provides a separation of
20 power which results in a more open and
21 transparent government. This creates enhanced
22 public dialogue and reduces potential for
23 corruption. That's why, when the drafters of
24 the charter went for an elected versus
25 appointed -- and I know you've been told that

1 was a compromise. That was not a compromise.
2 Judge Durden and others can set the record
3 straight on that. It was an affirmative move by
4 that commission, the Amelia Conference, that
5 that charter would have that separation of
6 powers because we just came out of -- or were
7 coming out of -- that's what the charter was
8 designed to do, was pull us out of a situation
9 with a mayor and an appointed chief that was
10 very corrupt, incredibly corrupt. That's what
11 they were trying to get away from. That was not
12 a -- that was not a compromise. That was an
13 affirmative move not only by the people that
14 drafted the charter but also by the citizens who
15 passed the charter.

16 Less corruption, that's what you get with a
17 separation of powers.

18 The office of mayor, not the office of
19 sheriff, presents the budget for City Council
20 approval. A lot of people don't know that.

21 The office of sheriff, not the office of --
22 I'm sorry -- the office of mayor, not the office
23 of sheriff, negotiates the union contracts,
24 again, with City Council approval. A lot of
25 people think I sit down and negotiate these

1 contracts.

2 The office of mayor, not the office of
3 sheriff, negotiates pension contracts, again,
4 with approval of the City Council.

5 That's the form of government the citizens
6 of Jacksonville voted for. And, commissioners,
7 I think it works.

8 Thank you very much.

9 THE CHAIRMAN: Thank you, Sheriff.

10 Commissioner Catlett has a question.

11 MR. CATLETT: Are there any public
12 officials out there that have been both
13 appointed and elected sheriff that we could call
14 upon to do some kind of comparative analysis?
15 Because I think we're pretty well founded on
16 what your beliefs are. Is there someone else
17 that we can talk to that has had a dual
18 perspective? There's got to be somebody out
19 there that's been both.

20 SHERIFF RUTHERFORD: Yes, sir, there is.
21 And, in fact, he's relatively close,
22 sheriff Jerry Demmings in Orange County.

23 Sheriff Demmings was -- and this is a very
24 unique situation. Sheriff Demmings was the
25 chief of police for Orlando PD, police

1 department. He was then elected sheriff of
2 Orange County after Kevin Berry left office.
3 And, oddly enough, Sheriff Demmings' wife,
4 Val Demmings, is now the appointed chief of
5 Orange County -- or Orange -- Orlando, I'm
6 sorry, police department.

7 And, actually, I've reached out to
8 Sheriff Demmings to see if he would be willing
9 to come up here and provide his insight on this
10 issue, and he has agreed that he would come up
11 and tell you his thoughts on that and let you
12 question him about his positions.

13 MR. CATLETT: Mr. Chairman, did we invite
14 him as a guest?

15 THE CHAIRMAN: Yes, Mr. Catlett. In fact,
16 I've spoken with James Brunet, who I asked to
17 convey to Sheriff Demmings an invitation to
18 speak at our next meeting on the 17th.

19 MR. CATLETT: Great.

20 Thank you.

21 THE CHAIRMAN: Commissioners, other
22 questions, comments?

23 Commissioner Youngblood.

24 MR. YOUNGBLOOD: Sheriff, prior to the
25 meeting I was asking -- your current structure,

1 I believe you stated you have ten full chiefs,
2 appointed chiefs, and 20 assistant chiefs. That
3 current structure seems to be sufficient without
4 creating another level of bureaucracy, wouldn't
5 you agree?

6 SHERIFF RUTHERFORD: Absolutely.

7 And, Commissioner, I'm really glad you
8 brought that point up because that's an issue
9 that I failed to mention.

10 If you have a mayor who appoints the chief,
11 there are another 36 positions that also get
12 appointed, and if -- the mayor could appoint.
13 It's not just the chief, it's the top
14 administration of the agency. And these are --
15 or they should be -- and with a good mayor, they
16 would be -- all law enforcement professionals,
17 but they wouldn't have to be.

18 And that is why, you know, I think you
19 start getting into the corruption issues when
20 you start talking about not only appointing the
21 head of the agency, but the top -- the total top
22 administration of that agency. That's what we
23 got away from in the old city by having an
24 elected sheriff.

25 MR. YOUNGBLOOD: Thank you, Sheriff.

1 I believe the misunderstanding that a lot
2 of the public may have, then, is -- there's
3 already a current structure in place, and as
4 you've stated very eloquently within your
5 presentation, if it's not broke, don't fix it.
6 Where are the deficiencies and where's the rub?
7 Why is there such a clamoring behind the scenes
8 to appoint over elect? Because it seems like a
9 duplicity of boards.

10 SHERIFF RUTHERFORD: Well, I will tell you
11 I -- the result of that move, to move from an
12 elected to appointed, I think will have the
13 impact of separating the office of sheriff from
14 the people, and that is not a good move. That
15 will also stifle public dialogue. That is not a
16 good move.

17 Look, to separate the office of sheriff
18 from the people that I'm elected to serve, or
19 that any sheriff is elected to serve -- I talked
20 about how important the relationships are with
21 the community. That is critically important.
22 You're not going to get that with an appointed
23 chief who comes from -- you know, wherever, that
24 stays three-and-a-half years. You don't get
25 that kind of commitment to the community. You

1 don't get those kinds of relationships built
2 within the community, and law enforcement in
3 this city will suffer as a result.

4 Believe me, those chiefs would love to have
5 the structure that Jacksonville has.

6 MR. YOUNGBLOOD: Mr. Chairman, thank you.

7 And, Sheriff Rutherford, thank you for all
8 that you do.

9 One final question. How would it directly
10 affect your current pension struggle that we see
11 in the event it does go to an appointed chief of
12 police? Because I believe there are some
13 issues, as you've stated clearly in the
14 presentation, that's handled by the mayor's
15 office already, so how would that directly
16 impact the pension difficulties we're having?

17 SHERIFF RUTHERFORD: Actually, I think it
18 would exacerbate them because you're going to
19 have the old pension you're going to have to
20 still fix, and then you're going to create a new
21 pension that's not going to be contributing to
22 the old pension.

23 And I'm no pension expert, but I just
24 believe that that would create a -- an
25 exacerbation for the funding issues. I don't

1 think it would solve anything.

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

3 THE CHAIRMAN: Commissioner Miller.

4 MS. MILLER: Good morning, Sheriff.

5 SHERIFF RUTHERFORD: Good morning.

6 MS. MILLER: Thank you so much for coming
7 again to talk with us again.

8 I have three questions, through the Chair,
9 for you.

10 From the political science standpoint, I
11 think we can all understand the -- the desire to
12 have a very strong mayor form of government and
13 have an appointed just from a pure political
14 science standpoint.

15 But would you describe the scope of the JSO
16 services and service areas? Do you serve other
17 townships? Because although we are a
18 consolidated city/county, there are other
19 townships, and there's Baldwin, the beaches.

20 I don't know if you serve the independent
21 authorities or the military in any way, but does
22 your scope of service extend beyond the city of
23 Jacksonville? Do you report to or work with
24 other mayors or other independent agencies?

25 That's my first question.

1 SHERIFF RUTHERFORD: Absolutely we do.

2 Several answers to that question.

3 On the Duval County seat, obviously, we
4 provide law enforcement service now for the
5 city of Baldwin.

6 We have concurrent jurisdiction with the
7 cities of Neptune Beach, Atlantic Beach, and
8 Jax Beach. On a more regionwide scale, we have
9 direct collaboration with 12 other counties, and
10 that collaboration has only grown since
11 Governor Bush created the Regional Domestic
12 Security Task Force.

13 And that's why I was making the point
14 earlier, as an elected sheriff in that whole
15 process and having an actual constituency
16 I think gives us the ability to really drive
17 some of those discussions, plus the size of
18 Jacksonville, and so we have a lot of
19 relationships throughout the region.

20 MS. MILLER: Through the Chair, would those
21 relationships include -- do you provide police
22 services for the port, for example, in terms of
23 the anti-terrorism activity?

24 SHERIFF RUTHERFORD: Yes. We -- I'm sorry,
25 I left that out.

1 We do have contract services with the
2 port. And, in fact, if you look at the budget
3 page on slide 1, you'll see at the top
4 right-hand side where it says our
5 reimbursables -- I think they call it
6 "reimbursables." I'm not sure right now.

7 But that number doubled because we brought
8 in the port and we do provide police services
9 for the port, but that doesn't cost the
10 taxpayers of Jacksonville a dime. That is fully
11 funded by the port, straight into the general
12 fund, not my budget. My budget only goes up by
13 those costs. The revenue that's generated from
14 that goes straight into the general fund.

15 MS. MILLER: Okay. Thank you.

16 My second question has to do with your
17 slide number 7. Although it's not labeled, it's
18 the -- it says, "City of Jacksonville" at the
19 top and "comparative analysis demonstrating" --
20 regarding past millage rates. And you made a
21 note on note 3, and I'm not sure I understood
22 the explanation on that. It appears that there
23 was some change in DROP participation or
24 contribution levels. Would you go over that
25 again?

1 SHERIFF RUTHERFORD: Where at?

2 MS. MILLER: On page -- it's not labeled as
3 page 7, but it's page 7. It's a white page, and
4 it was where you describe note 3 and the
5 contribution level that would have been if we
6 had included fiscal year 2009.

7 SHERIFF RUTHERFORD: You're speaking about
8 this one (indicating)?

9 MS. MILLER: Yes, sir.

10 Would you explain -- I'm not sure I
11 understood the --

12 SHERIFF RUTHERFORD: Okay. I'm sorry.

13 On the far right-hand column, as a result
14 of the DROP -- the City made an affirmative
15 decision not to contribute to the pension plan
16 for those officers who had entered the DROP. If
17 you extend that out -- and you can see through
18 '05/'06 -- that figure that the City had saved
19 by not paying into the pension for those
20 officers who were in the DROP, they saved
21 \$22.1 million.

22 I was simply pointing to number 3 at the
23 bottom where it says, "In the event that this
24 column of information was to extended to 2009,
25 the cumulative City savings would have been

1 increased from 22.1 million to 41.2 million."

2 MS. MILLER: And so who paid for that? Did
3 anyone pay for those -- the DROP costs?

4 SHERIFF RUTHERFORD: Those dollars just
5 weren't contributed to the pension, which
6 obviously drove up the unfunded liability.

7 MS. MILLER: I see. Thank you.

8 And, lastly, we have had, as you probably
9 know, a lot of public comment and urging for
10 a -- some type of citizens review board, and I'd
11 like to just get that out there and get your
12 response.

13 There is some notion or thought that if
14 there were an appointed police chief, there
15 would be -- or there would be the flexibility or
16 the ability to establish a citizens review
17 board. So, if you would, would you just
18 describe existing JSO procedures for reviewing
19 police actions and why we don't have a citizens
20 review board?

21 SHERIFF RUTHERFORD: Absolutely.

22 There are a multitude of reviews of
23 police-involved shootings at this time. There's
24 an investigation conducted by our Homicide
25 Unit. There's also an investigation conducted

1 by the State Attorney's Office, a parallel
2 independent investigation. After that, we also
3 have a Response to Resistance Board where that
4 action is reviewed.

5 And then there are two other options that
6 are available to anyone who feels that they have
7 been wronged or excessive force was used against
8 them in one of these shootings, and that is the
9 civil courts, number one. And, number two, they
10 can appeal to the Department of Justice
11 Civil Rights Commission.

12 And here's what's important about all of
13 those processes: They are fact-finding,
14 evidentiary-based processes. Fact-finding,
15 evidentiary-based, that is critical because you
16 don't want to politicize what should be a
17 fact-finding, evidentiary-based process.

18 To create a civilian review board for
19 police shootings will do two things: Number
20 one, it will politicize that process. And,
21 number two, it's going to put a chilling effect
22 on officers who respond if they think that
23 they're going to be reviewed by citizens who may
24 not be qualified to determine whether they acted
25 properly in the use of their firearm.

1 I don't want officers concerned about
2 properly and promptly responding to a robbery in
3 progress, for example, and they take their time
4 because they don't want to be involved in a
5 police shooting because they don't want to go
6 before that civilian review board.

7 And, in fact, I think studies show, and
8 others have said, that citizen review boards in
9 the end truly don't work anyway because
10 90-some-odd percent, a large percent of
11 police-involved shootings are justified. So
12 what happens is, it may appease a community for
13 the short-term because they have this new
14 civilian review board, but as time goes on --
15 and officers are always very discreet in their
16 use of firearms. And because of that, it's a
17 very, very low percentage that are improper uses
18 of force.

19 And as a result of that, these civilian
20 review boards have to find that is a fact when
21 they do. And then, before you know it, the
22 community is saying, well, look, that board
23 doesn't mean anything. You know, they're just
24 in the pocket with the chief or the sheriff or
25 the mayor, whoever appoints them.

1 And so they are -- they have not been found
2 to work everywhere that I understand that
3 they've been used.

4 MS. MILLER: Thank you.

5 THE CHAIRMAN: Commissioner Korman.

6 MS. KORMAN: Mine, Sheriff, is probably a
7 clarification question, so you can help me
8 understand.

9 You referred a few times, if there was an
10 appointed sheriff they'd serve a
11 three-and-a-half-year term. Wouldn't that be a
12 four-year term that would basically coincide
13 with the mayor's appointment of the sheriff
14 unless he or she was replaced during his
15 tenure -- or their tenure?

16 SHERIFF RUTHERFORD: Well, that's the key.
17 Many of them are replaced off cycle because
18 there is some political event that occurs. For
19 example, the chief -- and I gave this example, I
20 think, the first time I testified.

21 The chief in New Orleans, when Katrina was
22 bearing down, he was fired. He was the only one
23 trying to push the issue of evacuation. But
24 after it all crashed, they fired him.

25 So they get fired every time there's a

1 political problem that comes up and they want to
2 blame somebody, and he's out the door. That's
3 why they have a three-and-a-half-year life
4 cycle, and that's straight from the Major City
5 Chiefs Association.

6 MS. KORMAN: Is that just -- that's the
7 average that these appointed sheriffs seem to
8 last is a three-and-a-half-year cycle? Because
9 they -- normally, if nothing goes wrong, they'd
10 be a four-year term, just like the elected
11 sheriff is.

12 SHERIFF RUTHERFORD: Well, they could go on
13 as long as they continue to be appointed. It's
14 not -- they're not appointed for a term.
15 They're appointed for -- they're reappointed
16 every day, basically. And when the mayor or the
17 city manager decides that, you know, they are
18 not doing a good job or they -- quite frankly, I
19 think many of them are used as political
20 scapegoats -- they're out.

21 MS. KORMAN: Well, let me follow up,
22 Mr. Chair.

23 On the flipside -- and we've been lucky to
24 have a great sheriff like you. But if we didn't
25 have a great sheriff like you and we were stuck

1 with a sheriff that wasn't as good, I mean, what
2 do we do? We just wait out our four-year cycle
3 to elect someone new?

4 I mean, I think that's why the conversation
5 has been happening, is it -- we've been lucky
6 with you and Sheriff Glover, but I'm sure there
7 are others in the past that weren't so good to
8 our city as you guys have been.

9 SHERIFF RUTHERFORD: Well, I think the
10 answer to that is, yes, there is a review every
11 four years, at election time, but there's also a
12 way to impeach someone, although it is
13 difficult. But if it's necessary, I think that
14 that difficulty could be overcome.

15 THE CHAIRMAN: Commissioner Austin.

16 MR. AUSTIN: Thank you, Sheriff.

17 I don't think anybody up here will argue
18 that you have a very fine department. I don't
19 think that's the issue.

20 I was understood -- in your comments about
21 the separation of power, we have a -- and the
22 people who drew up the original charter
23 discussed the separation of powers, and it was
24 very clear that they were talking about the
25 mayor and the City Council and the judiciary.

1 The council checks on the mayor, the mayor
2 checks the council, and the judiciary checks
3 both.

4 I am somewhat surprised, maybe more
5 astounded that you would suggest that the
6 sheriff should be independent so that he could
7 be involved and -- and separation of powers. It
8 seems more like a fragmentation than it does a
9 separation of powers issue.

10 SHERIFF RUTHERFORD: No. In fact, Mayor, I
11 can tell you, my comments from the first
12 presentation -- and that's why I mentioned this
13 idea that -- somehow I wanted to pull away from
14 consolidation. That's not the case at all.

15 In fact, I often preach about consolidation
16 around the country because a lot of people want
17 to know, "Well, Sheriff, how in the world do you
18 get that done? How do you do that?" And the
19 advantages of consolidation are right there for
20 them.

21 I don't have, like South Florida, 27
22 different agencies that I have to try and, you
23 know, herd cats to try to get moving in one
24 direction. I don't have that. I have that
25 independence that I'm able to do that.

1 What I'm talking about when I say
2 "separation of power" is the power that comes
3 from the people to have a public dialogue, that
4 I can debate an issue with the mayor, I can
5 debate an issue with the City Council that has
6 tremendous impact on public safety. And I think
7 to do anything that stifles public dialogue is a
8 bad thing.

9 MR. AUSTIN: Well, on the other hand,
10 anything that interferes with the efficient
11 management of the City would be a bad thing.

12 SHERIFF RUTHERFORD: Well, I would agree.

13 MR. AUSTIN: In other words, it's set up to
14 have -- we keep using the phrase "a strong mayor
15 form of government," and what you are advocating
16 is a strong mayor -- a form of government with a
17 strong mayor -- strong sheriff of the -- of the
18 form.

19 SHERIFF RUTHERFORD: No, what I'm
20 advocating for is what the people voted for in
21 '68, and that was a government that has a
22 strong mayor, he controls the budget, controls
23 the pension, negotiates the contracts, and a
24 sheriff who is responsible for public safety and
25 has the ability, because he is elected, to have

1 a public dialogue, to speak out about things
2 that might be going wrong and not just go along
3 with efficiency and -- and the other term that
4 you use.

5 Look, that's how -- when you start managing
6 consensus -- all of you are probably leaders
7 in -- within your own organizations. The
8 hardest thing to do is manage consensus because
9 that's when an agency winds up in trouble or a
10 city winds up in trouble. And that's why I say,
11 as long as you have this -- what I call a
12 separation of powers, if you will, is the
13 ability to have that public dialogue so that we
14 don't wind up the corrupt city that we were
15 pre1968.

16 MR. AUSTIN: I can't understand why there
17 would be any diminishment of public dialogue
18 with the mayor and the sheriff -- an appointed
19 chief of police. I can't comprehend why that
20 dialogue wouldn't continue.

21 SHERIFF RUTHERFORD: Well, because,
22 Mr. Mayor, when chiefs speak out, for example,
23 about the funding and use of the excess pension
24 reserves, they would be fired. They wouldn't
25 wait for the four-year -- they'd be fired for

1 speaking out.

2 And that's why I said, many of them become
3 political scapegoats, and that's why they're out
4 and that's why their average tenure is
5 three-and-a-half years. That's the point that I
6 was making with Commissioner Korman.

7 MR. AUSTIN: But about 99 percent of those
8 cities have an appointed chief of police, and
9 they all want to be elected so they could be
10 independent. I -- and it won't -- and it
11 doesn't work that way. I mean, Sheriff, this
12 ain't Mayberry.

13 SHERIFF RUTHERFORD: No, absolutely not,
14 and those -- surely, Mr. Mayor, you're not
15 suggesting that we copy Chicago-style politics.

16 MR. AUSTIN: No. I'm suggesting that we
17 copy the prevailing view of all of the major
18 cities of the United States.

19 I always found when I'm the only one
20 walking one way and the whole company is walking
21 the other way, then I better check what I'm
22 doing.

23 SHERIFF RUTHERFORD: Well, that --

24 MR. AUSTIN: And I think we're -- I don't
25 think we're in step with the prevailing modern

1 view of how law enforcement is run with a
2 civilian control. That's what people advocate
3 when they advocate these boards that want to
4 review police shootings and things. They want
5 to make sure that there's an absolute civilian
6 control of that apparatus, I think.

7 SHERIFF RUTHERFORD: Mr. Mayor, I will tell
8 you, Jacksonville is not following the pack. We
9 are, in fact, leading the way. And that's why I
10 said many of those agencies would love to have
11 an elected chief so that they had some
12 continuity, so that they could accomplish some
13 of the things that we've accomplished here in
14 the Jacksonville Sheriff's Office. They wonder
15 at some of these things that we're doing. "How
16 do you do that?" Well, we're not out in
17 three-and-a-half years.

18 And, quite frankly -- you know, I believe
19 that this was the affirmative move by the people
20 because they wanted to have that public dialogue
21 because they hadn't had it before, and that's
22 how they had the corruption that they had, and
23 that's what they were trying to get away from, I
24 believe.

25 MR. AUSTIN: I understand your desire not

1 to be bothered with somebody over you. I --
2 that -- I don't have any problem with that.

3 I -- go ahead. I'm sorry.

4 SHERIFF RUTHERFORD: If I could add this
5 too, Mr. Mayor, because I know this was an
6 issue.

7 On the issue of the Office of General
8 Counsel, let me make this point: I did not ask
9 to have my own attorney instead of the City
10 attorney out of the General Counsel's Office.

11 If you go back and look at my testimony
12 before you the first time, what I spoke of
13 was -- and it's something you're very familiar
14 with, Mayor -- is the police legal advisor.
15 What I simply asked for and was making a case
16 for was that, as sheriff, I would like to
17 have -- instead of my police legal advisor --
18 which I have one now, but he's appointed to me
19 from the State Attorney's Office. I would
20 simply like to be able to hire my own to give me
21 that criminal investigative advice that we need
22 to run RICO cases, to do other criminal
23 investigative things.

24 It had absolutely nothing to do with the
25 Office of General Counsel. So in no way am I

1 trying to pull away from or create a silo of
2 power that's trying to pull away from
3 consolidation. I embrace consolidation. I brag
4 about consolidation. I'm certainly not trying
5 to pull away from it.

6 MR. AUSTIN: Well, this -- as you know,
7 this is a corporate municipality. It's a
8 corporation. Every corporation has a head, and
9 generally they appoint the people that -- the
10 subsidiaries of the corporation instead of
11 electing them, and the --

12 I became convinced over my limited career
13 that shared responsibility means no one's
14 responsible. So when you look at what's
15 happening at the top in law enforcement and
16 these other things -- normally in a corporation,
17 you look to the president of the corporation.
18 In Jacksonville, you should look to the mayor
19 because he's the CEO of this municipal
20 corporation.

21 I think when you divide how the
22 subsidiaries or -- are chosen and the chief
23 executive officer has no voice in that, I'm
24 apprehensive that the -- it's working the way
25 that it's designed to work.

1 Now, that's -- I don't want to -- I don't
2 think that --

3 One other thing. You talked about
4 corruption. It was corrupt. I remember. I
5 prosecuted some of those --

6 SHERIFF RUTHERFORD: Exactly.

7 MR. AUSTIN: But let me tell you, we
8 have -- since that time, we've had a sheriff in
9 Nassau County and a sheriff from Baker County
10 and the state prisons of -- of the federal --
11 I'm sorry, of the federal prison system, so
12 there's no -- and we've had some corrupt people
13 back in the old days of Jacksonville sheriffs.

14 So there's no monopoly on corruption. I
15 don't think that really goes very far.

16 SHERIFF RUTHERFORD: Well, Mr. Mayor, what
17 I was referring to is systemic corruption.
18 That's what I call corruption is when it's
19 systemic, not individual acts of criminality or
20 lack of ethics by individual offices. We
21 certainly have that, as any agency does. The
22 key is we don't have systemic corruption where
23 those things are protected and encouraged and
24 lawbreaking is allowed, so to speak.

25 MR. AUSTIN: Well --

1 SHERIFF RUTHERFORD: They go to jail here
2 too.

3 MR. AUSTIN: If I want a caution light,
4 tell all those people I love them, will you?

5 SHERIFF RUTHERFORD: Yes, sir.

6 THE CHAIRMAN: Sheriff, you feel there's
7 systemic corruption in the fire department?

8 SHERIFF RUTHERFORD: No. I don't believe
9 there's systemic corruption because I don't
10 believe that they condone it.

11 THE CHAIRMAN: You think they're individual
12 acts of corruption?

13 SHERIFF RUTHERFORD: Pardon me?

14 THE CHAIRMAN: Do you feel that there are
15 individual acts of corruption in the fire
16 department?

17 SHERIFF RUTHERFORD: No. I think there are
18 individual acts of misbehavior, as there are in
19 my organization.

20 THE CHAIRMAN: The reason I asked is
21 because of your seeming conviction that an
22 appointed setup increases the opportunity for
23 corruption. And, obviously, we have an
24 appointed fire department here.

25 I think most municipalities across the

1 country have an appointed fire department setup,
2 the other half of the public safety house, if
3 you will, and so I'm struck by the lack of
4 evidence even that you can cite or apparently --
5 you know, I haven't read across the country
6 there's a problem of corruption in fire
7 departments.

8 Do you have any comment --

9 SHERIFF RUTHERFORD: I can't speak to fire
10 departments, but I can tell you there are 22
11 cities across the country who have chiefs that
12 are under federal oversight for things like
13 corruption, police brutality, and other items.

14 I'm not saying that because I'm elected we
15 couldn't have corruption or that because they're
16 not elected and they're appointed that they will
17 have corruption. I'm just saying that a
18 situation that provides for no public dialogue
19 on issues that may need to be talked about
20 publicly, I think that sets -- certainly plows a
21 fertile field for corruption.

22 THE CHAIRMAN: Well, I couldn't agree more
23 with your statement that to do anything that
24 stifles public dialogue is a bad thing.

25 Do you think this conversation that we're

1 having here today about whether your office
2 should be appointed or elected is a good thing?

3 SHERIFF RUTHERFORD: I think it's a very
4 good thing, very good thing.

5 THE CHAIRMAN: Okay. And I wanted to ask
6 you a follow-up about your separation of powers
7 statement.

8 Previous testimony to us on this issue
9 cited an instance wherein the office of the
10 sheriff solicited and received a grant -- a
11 federal grant that was utilized to hire 50 new
12 police officers using the federal money, but
13 making the point that at the end of that grant
14 those officers now become the City's obligation
15 monetarily, financially, for salary and pension
16 obligations.

17 And the point was made that from a
18 separation of powers position, if you will,
19 that's not a good thing because neither the
20 mayor nor the council reviewed or approved or is
21 able to trump your -- your putting the City on
22 the hook for those 50 employees after the end of
23 the federal money.

24 SHERIFF RUTHERFORD: If I can correct that
25 interpretation, then, because that is not the

1 process and that is not what I intended to say.
2 If that's -- that's not what I intended for you
3 to understand.

4 Look, the COPS Grant is an application
5 that's applied for by the City. It's given to
6 the City. In fact, I can't enter into those
7 grants. The mayor's office has to sign off on
8 those. That's why I say, they -- I'm not
9 fighting this issue of the mayor controlling the
10 budget and the expenditure of funds within this
11 city. That's not my issue.

12 What I'm saying is, by being an independent
13 elected officer -- constitutional officer, I can
14 talk about it publicly, if need be. But I
15 cannot put the City on the hook for anything
16 without the mayor and the City Council's
17 approval. They pass my budget in its entirety.

18 So I apologize if I left you with that
19 impression because that is absolutely wrong.

20 THE CHAIRMAN: No, I wasn't suggesting that
21 you testified to that. Previous testimony to us
22 from a speaker cited that as an example in which
23 there's a problem.

24 SHERIFF RUTHERFORD: They're absolutely
25 wrong.

1 THE CHAIRMAN: Well, I just wanted to give
2 you a chance to address that.

3 SHERIFF RUTHERFORD: Thank you.

4 THE CHAIRMAN: Commissioner Catlin.

5 MR. CATLIN: Thank you, Sheriff.

6 What it sounds like to me is you're saying
7 appointed kind of equals a puppet in the mayor's
8 sense.

9 Let me do a "what if." And you may choose
10 not to answer this, and that's fine.

11 What if this were changed, the next mayor
12 comes in, the next mayor says, "Sheriff
13 Rutherford, I want to appoint you as our chief
14 of police." Would you respectfully decline or
15 would you -- I mean, I know you have a love for
16 Jacksonville, so I know that you want to help
17 keep us on the upslope, but would you
18 respectfully decline or would you,
19 quote-unquote, not be the puppet or would you go
20 a different route?

21 SHERIFF RUTHERFORD: Well, I can tell you I
22 would accept, but I wouldn't be a puppet. I'd
23 probably be out in three-and-a-half years
24 because I'm not going to be a puppet. I'm going
25 to do what I believe is in the best interest of

1 this city, first and foremost, every time.

2 MR. CATLIN: Thank you.

3 THE CHAIRMAN: Commissioner Korman.

4 MS. KORMAN: Do you feel that appointed --
5 or elected should stay for the other offices
6 besides yourself, the property appraiser --
7 because we're looking at the whole gamut, tax
8 collector, school board, or are you talking
9 solely about the sheriff's office?

10 SHERIFF RUTHERFORD: Well, I mean, the
11 issues that -- obviously that are unique to the
12 sheriff's office create one situation, but I say
13 this: I believe that the other offices should
14 be elected. I do not want to do anything that
15 takes away and diminishes the power of the
16 people to vote and decide who is going to run
17 their government. I think anything beyond that
18 is bad for government and bad for the people.

19 MS. KORMAN: But don't the people decide
20 that when they decide on the mayor? I mean,
21 when we go out and vote, you know, John Doe or
22 John Smith, aren't we putting that into -- we're
23 putting the faith in the voters that they made
24 the right decision to pick a CEO of a company
25 that will guide us in the right direction?

1 SHERIFF RUTHERFORD: To a small extent,
2 yes, I think they do, but here's the problem --
3 and I kind of see this on a national trend as
4 well.

5 All of the czars that are being appointed
6 by the president to run -- and past presidents
7 to run all of these different initiatives and
8 pass rules and regulations that everyone has to
9 abide by.

10 For example, the recent ban on
11 red snapper. You know, I was listening the
12 other day to a lot of the fishermen who make
13 their livelihood from going out from our shores
14 and others. I think there were -- they said
15 there were 35 boats and crews that fish for
16 red snapper off the southeastern coast. And
17 they are fighting with an organization of
18 appointed people who have no responsibility to
19 the public as a whole. And I thought, you know,
20 how responsive are they going to be?

21 I just don't -- I think they would be more
22 responsive if they were elected. And they're
23 passing rules -- and this is what concerns me a
24 little bit: They're passing rules and
25 regulations that impact on everybody.

1 THE CHAIRMAN: Thank you, Sheriff.

2 SHERIFF RUTHERFORD: Thank you.

3 THE CHAIRMAN: We appreciate you coming
4 down here and sharing your insight with us.

5 SHERIFF RUTHERFORD: Thank you very much,
6 Mr. Chairman.

7 And thank you, commissioners. Appreciate
8 it. Thank you very much.

9 THE CHAIRMAN: Our next speaker is
10 John Delaney, a man who presumably needs no
11 introduction, but I'll give him a brief one,
12 former mayor, president of UNF.

13 (Mr. Delaney approaches the podium.)

14 MR. DELANEY: Thank you, Mr. Chair.

15 THE CHAIRMAN: Thank you, President
16 Delaney. Thank you for coming down here.

17 Our court reporter will swear you in.

18 MR. DELANEY: Okay.

19 THE REPORTER: Your name and address for me
20 first, please.

21 MR. DELANEY: John Delaney, 110 Bowles
22 Street, Neptune Beach, Florida, 32266.

23 THE REPORTER: Thank you.

24 Would you raise your right hand for me,
25 please.

1 MR. DELANEY: (Complies.)

2 THE REPORTER: Do you affirm that the
3 testimony you're about to give will be the
4 truth, the whole truth, and nothing but the
5 truth so help you God?

6 MR. DELANEY: I do.

7 THE REPORTER: Thank you.

8 MR. DELANEY: Well, thank you very much.

9 And first I want to thank you for your
10 efforts. I have been amazed by the energy and
11 the involvement of the representatives of this
12 commission. I have to tell you that I didn't
13 anticipate being a little intimidated after
14 seeing what -- the questions that you had for
15 the sheriff.

16 And I will say, while I was not asked to
17 talk about these items, I've got sort of three
18 bullets to say up front and then I'll get into
19 the core issue that I was asked to kind of
20 address.

21 I do disagree with the philosophy that the
22 sheriff just presented to you about the need for
23 the independence of the sheriff in this -- in
24 this model. I'm going to, in the end -- and
25 I've changed over this in the last few months --

1 agree with the conclusion, but by no means by
2 the approach that he took to get there.

3 Secondly, then -- I'm sure that this has
4 been addressed, the independence of the General
5 Counsel. The need for the General Counsel in
6 this government is paramount, and I hope that
7 nothing that this -- that you address will do
8 anything to weaken that institution.

9 And I didn't hear all of the comments of
10 the sheriff with regards to the pension plan. I
11 just sort of caught an element of that, but I've
12 heard him speak to that in the past, and I think
13 he has a -- a wrong frame of reference about
14 what's happened to the police and fire pension.

15 But, again, I was asked here to take a look
16 at whether or not the constitutional officers
17 and the school board should be appointed by the
18 mayor. I do have to begin by saying that you
19 all have thought more deeply and, more
20 importantly, more recently than I have about
21 these issues. I've just done some reflection on
22 that over the last -- the last few months since
23 I met with Mr. Duggan. And I know that some of
24 what you wrestled with early is what you should
25 factor in in terms of making a recommendation,

1 is there a viable -- a recommendation maybe
2 right, but is it viable?

3 There's a great business book that came out
4 recently that said that good is the enemy of
5 great. In government, there's sort of a flip of
6 that, which is perfect is the enemy of the
7 good. There is no perfect governance model.
8 Everything is just second best, and I appreciate
9 that you're trying to find what we can do to get
10 to the second best.

11 I sort of set up a personal four-part test
12 to make a suggestion or a recommendation to you
13 on whether the constitutional officers and the
14 school board should be appointed by the mayor.

15 I start from the philosophy I've just
16 mentioned earlier, that the strong mayor form of
17 government is the best model, that having the
18 mayor accountable for all of the actions of the
19 city and county government is going to be the
20 most efficient, that holding the mayor
21 accountable for the police department would be
22 the better model than to have squabbles over the
23 budget going on, to have a finality there, that
24 that's the better model.

25 It's proven to be very effective and

1 efficient. Jacksonville's emergence over the
2 last two decades has largely become as a result
3 of that model of government, but I had four
4 parts to this.

5 First, how has the current structure worked
6 historically? And I found that that, to me,
7 from my thinking, was particularly a revealing
8 factor, how has it worked historically.

9 Secondly, what would the political science
10 advantage be for the change? What would be
11 gained? And, again, starting from the
12 philosophical approach that in -- innately, just
13 of its existence, having it under one individual
14 that could be elected and held accountable to
15 the public would be the more efficient model.

16 What would the disadvantage be was the
17 third question. And then I asked a fourth
18 question, which is, is it politically viable to
19 change? In other words, is this just discussing
20 how many angels we can get on the head of a
21 pin?

22 In working through this, I took the
23 totality of those conclusions. I didn't weigh
24 them equally, just in my mind. In other words,
25 perhaps there would be advantages, but it's

1 politically impossible, then I wouldn't move
2 forward. But if there's an overwhelming
3 advantage, perhaps a weak historical operation,
4 then even if it is politically impossible or
5 near to politically impossible, then I would
6 recommend pursuing it.

7 I segmented these offices into three
8 boxes. I put the ministerial offices together,
9 the property appraiser, clerk, supervisor, and
10 tax collector, then I looked at the sheriff
11 independently of that because it is really a
12 different function, and then I looked at the
13 school board in a third box. So I segmented
14 those into these three categoristics.

15 So I'll start with the ministerial offices,
16 the property appraiser, clerk, supervisor, tax
17 collector. With the exception of the property
18 appraiser's office in the past, one particular
19 property appraiser, I think it's fair to say
20 these offices have worked well, that there has
21 not been a particular scandal.

22 Again, an exception in the property
23 appraiser's office, but these have been managed
24 well, administered well, they've worked well
25 with City Hall, with City government. The

1 budgetary control that City Council has -- and
2 they vary somewhat between those offices -- has
3 been sufficient to get these offices to act in a
4 compliant fashion.

5 And some of this has to do with the
6 individuals that have been elected by the
7 public. Again, the property appraiser -- one
8 property appraiser refused to submit to council
9 audits, refused to comply with the City Council
10 ethics code. And that was just sort of a
11 curmudgeon, nobody seemed to care about it in
12 the media, and he went away and -- and the
13 office went on, but --

14 Secondly, what would the advantages be?
15 And, again, the innate advantage is to make it
16 more efficient. Probably salary would be saved
17 by making these individuals directors as opposed
18 to elected officials. There would be some
19 savings there.

20 Pulling them more firmly into central
21 services. There's a natural tendency for those
22 offices to want to spin off and spin out of
23 central services. There would be some
24 advantages there.

25 Disadvantages. And this is something that

1 I -- again, I only really thought of recently
2 and in somewhat of an embarrassing fashion, and
3 that is not all mayoral selections are good.
4 Every now and then we misfire. I used to say
5 that I'm right about half the time on a hire,
6 and sometimes that's accidental. The ones that
7 I thought would be terrific sometimes don't work
8 out. The ones that I just kind of took a flyer
9 on have turned out great. So there's always the
10 risk that a mayor will view these as an
11 opportunity to appoint a crony or just simply
12 make a mistake, and so there is that potential
13 misfire in the system.

14 And I come to the conclusion, really when
15 we take a look at the offices, the people that
16 are in those offices now, it would be hard to
17 argue that we would trade up, that going in and
18 appointing them as if it's the -- the director
19 of Public Works or something like that, that we
20 could necessarily trade up.

21 The fourth test is the political
22 viability. Yes, I think it would be politically
23 viable to move these offices to appointed
24 positions. It would not be a lay down, but I
25 think it would be politically viable.

1 I (inaudible) all those up, my -- my sense
2 is it's probably not worth the fight that the --
3 the gains, the political risks, the upside, and
4 then the historical track record would point to
5 this may not be where to, you know, lay siege.

6 Then I move to the sheriff's office. And,
7 again, a complete philosophical difference with
8 the sheriff, that there -- that I think
9 Mayor Austin pointed out very, very well, that
10 this should be under one umbrella and having
11 sort of two executive branches here is not a
12 healthy model.

13 We'll talk first -- I'm going to go to the
14 second test, which is what would the advantages
15 be. Well, apart from the core philosophical
16 thing, that that would be -- held accountable to
17 one individual, whoever is elected as mayor, the
18 ability to bring in professional police chiefs,
19 chiefs that have been in other departments
20 across the country, that have other experiences,
21 other manage- -- seen other management systems,
22 seen what's worked in other places. It's one of
23 the reasons that the city manager form of
24 government hire city managers. It's the idea
25 that -- bring expertise that have been across

1 the country.

2 Then I move to the history. Well, let me
3 pause one second.

4 We compared -- I think -- I think it was
5 done earlier here -- the fire department to the
6 police department. The mayor can set the
7 direction. The mayor can set the direction for
8 public safety. That's difficult in our current
9 model. If a mayor said, we need to address
10 homeless issues downtown, we need to address
11 prostitution, we need to focus on a crime -- a
12 particular type of crime or a particular
13 neighborhood, unless the sheriff agrees, not
14 able to bring that part -- that part about, and
15 there has -- obviously, the tension over the
16 budget issues. Some of that is just the nature
17 of politics.

18 But let's look at the history since the
19 '50s. And, again, we'll -- we'll just stop
20 with the current time. Frankly, that's been
21 pretty doggone good: Dale Carson, Jim McMillan,
22 Nat Glover and John Rutherford. I think it
23 would be impossible to find better individuals
24 than those four individuals to serve in those
25 offices.

1 They come -- three of those come from
2 within the department. Sheriff McMillan and
3 Glover were actually proteges of Sheriff Carson,
4 but completely different individuals. Sheriff
5 McMillan's style was very, very different than
6 Sheriff Carson.

7 So the advantage of bringing in people that
8 are exposed to other areas, I think, is somewhat
9 negated by the history, that the history has
10 been that these individuals have worked out.
11 And I've sort of thought about, why is that?
12 Some of it is it is a department that's long
13 focused on training, long focused on seeing
14 other offices, a very, very diverse and large
15 department, and it gives some advantages to
16 individuals coming up through the different
17 channels within the particular department.
18 Again, we have had an array of strong and
19 progressive sheriffs.

20 Third, the disadvantages. If we went to an
21 appointed model, then I'd repeat, would a mayor
22 perhaps screw up a selection and pick a crony?
23 It -- you know, it has happened, frankly, in the
24 public safety department as well in the past
25 where grand juries have gone in there with

1 an appointed -- under Mayor Austin, former
2 State Attorney Ed Austin -- because of
3 mismanagement in that particular department.

4 You know, could you have picked better
5 sheriffs than the four we've mentioned before?
6 I don't know if that would be able to be done.
7 And each of these sheriffs, despite the fact
8 that there is a very strong police union, have
9 been able to keep the appropriate tension
10 between management and labor, I think, in a
11 healthy way.

12 Leading to the fourth point, which is
13 political. I think it's probably near to a
14 political impossibility to pull that off,
15 especially with the strong opposition of the
16 sitting sheriff. I think that one would be
17 very, very difficult to do.

18 Would it address the tensions that have
19 existed over the budget? Yes, it would. Is it
20 winnable at the polls? I'm not so sure. My
21 recommendation would be -- on that one, that
22 it's probably not worth pursuing.

23 The school board, though, I come to a
24 different conclusion. We can start there with
25 the history. Unlike the other elected offices,

1 the function of the school board -- not the
2 individuals. And I do need to say that the
3 current school board has a great balance. It's
4 got a great chemistry. It's done some great
5 things. It selected a great superintendent.
6 Probably the best functioning it's been in my
7 memory.

8 But if you look at the history, the history
9 of that body is up and down. When you have
10 seven-member commissions or bodies, five-member
11 commissions or bodies, one or two elections
12 change the political balance, superintendents
13 come and go, et cetera.

14 It's clear to see that we've had ups and
15 downs on that over time, and it's clear to see
16 that our educational attainment is not what we'd
17 like it to be.

18 Now, we're no different than most other
19 urban cities across the country. There's a lot
20 of good things that are going on in the school
21 system. Two of the best schools in the country
22 are the public schools here, the college prep
23 schools in Jacksonville, but it has been up and
24 down.

25 An advantage: It would remove the

1 decision-making of those elected officials from
2 the political process.

3 The disadvantage: It would remove the
4 decision-making from the political process.

5 They're both an advantage and a
6 disadvantage at the same time, but I think it's
7 worth looking at the school board in the context
8 of the independent authorities.

9 And, again, this is where I have a
10 different philosophical position, respectfully,
11 with Sheriff Rutherford.

12 The independent authorities have simply
13 worked very, very, very well. Those are
14 appointed officials. They're people that are
15 willing to serve on those independent
16 authorities that would not run for office
17 otherwise, so you widen the pool of potential
18 people to serve on that kind of an entity.

19 And, again, you can just run through your
20 own mind, business leaders, community leaders,
21 people that -- that would not be moved by the
22 PTAs or the unions or the neighbors that are
23 talking about the color of the paint in the
24 bathroom that could be at the right governance
25 level. They'd be willing to serve as an

1 appointee, but would never ever run for
2 political office.

3 And I think that's one of the issues that
4 we have to -- have to look at in terms of the
5 school board, historically, not now. And I know
6 that it's very difficult. If I was on the
7 school board and people were talking about
8 whether or not I should be removed as an elected
9 official, I'd, you know, have my dander up a
10 little bit too.

11 But if we can look at it just from a
12 political science standpoint, what is the better
13 model? Again, looking at the history, the
14 history of that board has been that it has a
15 tendency to leave governance and move into
16 management. And that's always a tension with
17 public boards, especially elected boards, to
18 want to get into who's being placed as an area
19 superintendent or a principal, et cetera. And
20 it takes a lot of board training to realize that
21 you need to stay at the governance level. And,
22 again, the current school board has been trained
23 in that and stays at that level, at least from
24 the perception that I've been able to pick up.

25 Again, the advantages of placing that as

1 appointed is that it would remove much of that
2 decision from the political process. It
3 becomes, obviously, a political science
4 experiment -- a political science question.

5 My recommendation -- and it's something
6 that I've looked at periodically down the
7 years -- is that we should have an appointed
8 school board.

9 Now, to be candid with you, I've looked at
10 this twice while I was mayor. Both times I
11 backed away from it because of the fourth test,
12 which is -- looked to me like, at that time, it
13 was a political impossibility.

14 On one of those occasions -- and I'll give
15 you an example.

16 On one of those occasions, it was on the
17 heels of the fact that the school board had gone
18 50 years and not bid out the school bus
19 contracts, had not bid them out. It had just
20 been handed on to families, the families renewed
21 the contract. Periodically there would be an
22 inflation adjustment. The families would will
23 them to their kids, give them as wedding
24 presents to children, had never bid it out. And
25 the school board, because of the pressure of the

1 contractors, voted four to three to not bid it
2 out, and that had to be reversed by the General
3 Counsel.

4 And but for that balance, that school
5 board, because of the incredible political
6 pressure that was put on them, with -- and
7 they're good people that made those votes. You
8 know, some surprising votes, but some good
9 people that made those votes.

10 So even on the wake of that, the public
11 didn't have a particular appetite to pursue the
12 idea of moving to an appointed.

13 I know that some of you may have
14 contemplated what kind of models. My suggestion
15 would be that you go to a ten-year experiment,
16 that the board would revert to an elected status
17 at the end of ten years unless the voters go --
18 vote again to continue an appointed process.

19 There's options of doing a hybrid of
20 partially elected and partially appointed. I
21 think all appointed would be the healthier way
22 to go. I think you get the advantages of
23 pulling back into central services, the
24 purchasing, the procurement, the personnel
25 issues, the IT issues, et cetera, and -- and it

1 would be a positive for the management of the
2 school system.

3 And, with that, Mr. Chairman, I stand ready
4 for Mayor Austin's cross-examination.

5 THE CHAIRMAN: President Delaney, did you
6 comment on the political liability of that
7 last --

8 MR. DELANEY: That's tough. When I weigh
9 those out -- and, again, I said I don't balance
10 each one in each case. I don't assign points to
11 them.

12 That, to me, is one that's probably worth
13 taking to the people and is worth the fight. So
14 my recommendation, weighing out those four
15 factors -- you know, you've probably got others
16 in your own mind on how you'd -- how you'd reach
17 your conclusion. I would recommend that that be
18 proposed --

19 THE CHAIRMAN: Okay. Thank you.
20 Commissioners.

21 MR. DELANEY: -- despite the political
22 difficulty.

23 THE CHAIRMAN: Commissioner Catlett.

24 MR. CATLETT: I just wanted to know, if we
25 have an appointed school board, how is the

1 superintendent selected?

2 MR. DELANEY: By the school board, much
3 like the independent authorities where they hire
4 the executive directors and -- and put them --
5 hold them to a contract.

6 MR. CATLETT: Okay. And my second question
7 is -- I just want to summarize what you said.

8 On the other constitutional officers -- and
9 I don't want to put words in your mouth; I want
10 to make sure I understand it. Did I understand
11 you to say it probably wasn't worth the fight
12 for the little bit of gain that we'd get?

13 MR. DELANEY: Again, I bifurcated them.

14 The four ministerial offices, I didn't
15 think there would be enough of a gain to warrant
16 that.

17 As to the sheriff, I felt there would be a
18 significant gain, both on the philosophical
19 front -- the issues that Mayor Austin addressed,
20 that that really -- on paper, if you're drawing
21 this up, it really ought to be an appointed
22 office, but the political hurdle, to me, looks
23 just virtually impossible to get to, especially
24 in the wake of the opposition of the sheriff.

25 MR. CATLETT: Okay. I thought that's what

1 you said, but you had a lot of information and I
2 wanted -- you know, I'm not as quick as I used
3 to be.

4 MR. DELANEY: Well, I'm not either, which
5 is probably why I blurred together --

6 MR. CATLETT: I wanted to make sure that I
7 had exactly what you said down.

8 And so with the school board, you're in
9 favor of an appointed school board and a
10 selected executive director, if you will, of
11 schools?

12 MR. DELANEY: The superintendent, correct,
13 same title.

14 MR. CATLETT: Thank you.

15 THE CHAIRMAN: Commissioner Deal.

16 MS. DEAL: Mayor, thank you for being here
17 today.

18 Do you have any thoughts as it relates to
19 the option of keeping the school board elected
20 and having possibly the mayor appoint a
21 superintendent and then confirmed by the school
22 board?

23 MR. DELANEY: Yeah. I looked at all kinds
24 of different models; you know, electing five,
25 appointing seven; electing seven, adding five

1 appointees; appointees based on quadrants of the
2 city or sectors of the city. And, frankly,
3 looked at them in some context, would it make it
4 more politically appealing to the electorate,
5 would it make it more likely to be able to move
6 to that model.

7 For example, Mayor Austin, some years ago,
8 when he was serving on the Port Authority,
9 suggested to me that splitting the seaport and
10 the airport was the better model, and it clearly
11 has been. I mean, it was a big fight,
12 widespread media opposition to it, but it's been
13 a roaring success to have those split because
14 they're able to focus. But kind of the
15 compromise was that a number of the appointments
16 are from the governor and some locally, and --
17 so looking at trying to find what's the balance
18 to deal with that political issue.

19 And, again, you may not want to factor in
20 that political issue the way I do as a part of a
21 four-part test, but my recommendation is that it
22 should be appointed across the board, along the
23 model of the independent authorities.

24 THE CHAIRMAN: Follow up?

25 MS. DEAL: No.

1 THE CHAIRMAN: Commissioners,
2 Commissioner Deal has just told me that her
3 button is not working. If I don't recognize you
4 but you've pressed the button for the queue,
5 just please let me know.

6 Commissioner Korman.

7 MS. KORMAN: Two questions. If my math is
8 correct and my time line -- charter review met
9 during your term as mayor, I think your first
10 term; is that correct?

11 MR. DELANEY: I guess that's right, yeah.

12 MS. KORMAN: And I know that it was your
13 first term as mayor. Did you engage with the
14 Charter Review Commission on any of these issues
15 during your first term as mayor?

16 And the second question is --

17 MR. DELANEY: No.

18 MS. KORMAN: Okay. That was --

19 MR. DELANEY: Not that I remember anyway.
20 It's -- like Jim, I'm slowing down a little bit,
21 you know?

22 MS. KORMAN: And I just forgot my second
23 question, so I feel your pain. So I'll -- I'll
24 remember it.

25 THE CHAIRMAN: Commissioner Flowers.

1 MR. FLOWERS: Thank you, Mr. Chairman.

2 Mr. Mayor, I would like for you to help me
3 with the hybrid model.

4 In 1975, we had what you call the Community
5 Education Consortium, which had a chance to deal
6 with our problem in terms of volunteer boards
7 for that consortium. What it did was it enabled
8 us to do City money, State money, and grant
9 money on this experimental project.

10 So I would like your feeling about it if
11 you are experienced with it.

12 MR. DELANEY: Not familiar with how that
13 model worked. And you deal -- you're talking
14 about the school board recommendation?

15 MR. FLOWERS: The school board and the City
16 developed a consortium, but it was funded and
17 established through a (inaudible) foundation
18 experiment, and it was successful except for
19 some political entities.

20 And something like that would give us a
21 volunteer board to deal with specific problems
22 with the whole child. See, until we get to the
23 whole child, we're not going to develop the
24 educational system that we need. So with the
25 City and the school board working together, then

1 all of the resources is being managed -- all the
2 different (inaudible) can be brought to bear on
3 education.

4 MR. DELANEY: And that, of course, could be
5 done by executive order of the mayor now, you
6 know, a joint commission set up by the mayor and
7 the superintendent or the chair of the school
8 board.

9 And, clearly, getting them all under --
10 Ed used to talk about -- by getting them under
11 one umbrella so that entities are talking to
12 each other and you eliminate the overlap is --
13 is a major objective.

14 THE CHAIRMAN: Commissioner Catlin.

15 MR. CATLIN: Thank you, Mr. Mayor.

16 To my knowledge, the way that the General
17 Counsel is appointed is that there's an advisory
18 board of maybe --

19 MR. DELANEY: A nominating committee of
20 five.

21 MR. CATLIN: -- of five, which are two
22 ex-General Counsels --

23 MR. DELANEY: Correct.

24 MR. CATLIN: -- and then a few lawyers?

25 Who would appoint -- who would be would the

1 mayor's advisory committee for -- for appointing
2 the school board, in your opinion?

3 MR. DELANEY: Well, each mayor does that
4 somewhat differently, and I -- I wouldn't set up
5 an advisory committee. I would let the mayor to
6 do that within the executive branch through his
7 office, you know, how he would determine that.

8 The General Counsel is a unique position
9 because the General Counsel serves as the lawyer
10 for all of the entities across the system, but
11 he or she is also sort of the Supreme Court for
12 the City. When there's a dispute, it gets -- it
13 gets revolved [sic] there. And that's why it's
14 sort of done through that process, why there's a
15 special nominating process.

16 And, again, you take a look at the -- I
17 guess there's been a dozen or so -- you know,
18 11 of those 12, I think -- well, I'll say 10 of
19 the 12. Take me out of the loop. I wasn't in
20 very good -- but have, you know, done a super
21 job of being able to adapt to the changes in the
22 law and law office and management. The models
23 work.

24 There's always going to be some tension,
25 you know, because when -- when the General

1 Counsel is sitting as a Supreme Court and has to
2 pick a winner or a loser, the loser ain't going
3 to like it. And so you get to, what's the
4 perfect model? This is as close to perfect as
5 you can get, and I think they've been able to
6 stay sufficiently objective down the years to
7 give appropriate legal advice.

8 No General Counsel's opinion has ever been
9 reversed, has ever been reversed, including the
10 one that overturned a vote of an elected body,
11 the school board. That was not reversed; that
12 was affirmed.

13 MR. CATLIN: I guess I was -- I guess my
14 point was -- obviously, you have very
15 intelligent people who know how to select the
16 General Counsel. My point was, on the school
17 board, how do you get away from the cronyism
18 that -- you know, how do you find someone, you
19 know, that knows exactly what they're doing so
20 you avoid the cronyism?

21 MR. DELANEY: Well, you could set up
22 something.

23 I think -- again, I'd go to the model of
24 the JEA, which has a -- you know, a huge budget
25 and huge debt to boot. The mayor there

1 appoints, by and large, business leaders, but
2 often some community leaders as well, and there
3 really hasn't been a problem with that since
4 the 19- -- you know, long ago, since, I guess,
5 preconsolidation. There's been enough distance.

6 An important function too is that -- is the
7 council auditor being able to objectively --
8 being able to audit and make recommendations and
9 to be able to pull in and reign in a rampaging
10 independent authority.

11 But I wouldn't think -- each mayor does a
12 different -- has a different brain trust, a
13 different internal process. And when you set up
14 a committee like that, you get out in the
15 Sunshine Law, you know, it's -- people start
16 saying, well, I'm not going to -- unless you
17 tell me I'm going to get it, I'm not going to go
18 ahead and submit my name.

19 I think it's better to do it the way it's
20 historically been done, to select the
21 independent authorities.

22 THE CHAIRMAN: Commissioner Austin.

23 MR. DELANEY: Uh-oh.

24 MR. AUSTIN: On the side over here -- when
25 the mayor appoints these boards, they elect --

1 the Electric Authority and the Port Authority
2 and so forth, he has a real, real vital interest
3 in being successful in appointing good people.
4 It would seem to me that he would have even a
5 greater motivation -- I'm supposed to be asking
6 you a question.

7 MR. DELANEY: Well, that's actually -- let
8 me take that hint because he's right.

9 It is confirmed by the council, number
10 one. Number two, the core of this is that if
11 something screws up there, the mayor is
12 responsible, and so the mayor doesn't want that
13 to mess up. That doesn't mean they're not going
14 to make an occasional pick that, you know,
15 somebody goes crazy once appointed, but -- but
16 you don't want an independent authority that go
17 into default or to be -- you know, have
18 particular problems if you can avoid it.

19 MR. AUSTIN: Thank you.

20 You have a fellow over there that's the
21 head of your criminology department.

22 MR. DELANEY: Yes.

23 MR. AUSTIN: I'd like to recommend that you
24 promote him and give him a raise. He really --
25 he really did a great job -- did a great job

1 down here.

2 I don't know -- maybe you can help us with
3 what our role should be.

4 I don't think either one of us have any
5 quarrel that the way the City was designed by
6 the -- the people who originally put the charter
7 together recommended that the sheriff, the
8 supervisor of elections, the tax collector and
9 the property appraiser be appointed. They --
10 the legislature pulled that out and changed it
11 because they didn't think that -- they thought
12 they were going to get a lot of opposition.
13 Actually, it would have passed overwhelmingly
14 anyway because the thing passed by about
15 67 percent of the vote. So we really don't
16 know.

17 What do you think our role is? Do you
18 think our role is to do what we think the
19 charter would be like or to reason out whether
20 it can pass or not?

21 MR. DELANEY: Well -- and that's -- Wyman
22 and I talked about that a little bit a month or
23 so ago.

24 Clearly, if the charter had been adopted
25 the way it was proposed, it would be better.

1 You know, again, that -- that philosophical
2 underpinning, it would be better, it would be
3 more efficient, it would be more effective, it
4 would be more accountable to have the pure
5 strong mayor form of government.

6 The problem in this scenario is we're kind
7 of midstream. It's been running for this period
8 of time. And so I went through that -- I just
9 sort of, in my head -- and it moved me through
10 that four-part test.

11 Two things -- two things impacted my
12 recommendations. One is the history, that --
13 that as you look at the ministerial offices --
14 again, with the exception of the one that didn't
15 want to be audited or comply with the City
16 ethics code -- they work pretty well, you know?

17 Could they have been better? They clearly
18 could be better. You save some money? We would
19 save some money.

20 And then the last one, the political
21 ability to be able to make it happen. And,
22 again, I just think that -- as to the sheriff, I
23 just think that's a big lift.

24 Now, should this commission say, you know
25 what? John, your fourth -- the fourth part we

1 don't think we should recommend. We're supposed
2 to recommend the charter -- the best model for
3 the charter. Well, then the recommendations
4 change, then I think you move on all three of
5 those -- again, I segment them into three
6 groups. I think you'd move on all three of
7 those.

8 MR. AUSTIN: Good. Thank you.

9 Reflecting back on when we were trying to
10 build -- buy this building, one of the -- one of
11 those people was violently opposed to it and --
12 and you have opposition of the mayor in making a
13 policy decision that the City Council signed off
14 on with elected officials that are a part of the
15 consolidated government, pulling it apart, and
16 that -- no major corporation that I know of can
17 function that way.

18 But anyway, I thank you for your testimony,
19 but you -- you do agree in principle that it
20 would be a sounder charter -- municipal charter
21 if we had adopted it the way it was originally
22 recommended?

23 MR. DELANEY: Absolutely. Absolutely.

24 MR. AUSTIN: Thank you.

25 MR. DELANEY: And this City Hall turned in

1 to be the -- I think the prettiest City Hall in
2 America.

3 THE CHAIRMAN: Commissioner Miller.

4 MS. MILLER: Through the Chair, thank you,
5 Mayor Delaney, for being here and taking the
6 time. I know you're very busy.

7 I have three areas of questions, and one
8 has to do with the role of the commission,
9 following up on Commissioner Korman's
10 questions. And that is, do you have an opinion
11 about how frequent the Charter Review Commission
12 should meet?

13 Right now it's every ten years, but all of
14 these issues require a lot of time, thought,
15 effort. Each one of them could have a yearlong
16 study group to make reasonable recommendations
17 to really see it through.

18 Do you have any thoughts about maybe
19 meeting -- recommending that the commission meet
20 every five years or would some additional level
21 of frequency for -- to tackle these very -- you
22 know, just sort of a checkup?

23 And second -- and this may touch on --

24 MR. DELANEY: I'm going to have a hard time
25 remembering one, so why don't I deal with that

1 one? I just -- whenever somebody does two, I
2 always forget the first one.

3 Yeah, I think ten is too long. I think
4 five would be better. And I think that the
5 recommendations automatically proceeding to the
6 ballot would be a healthier way to go as well.

7 MS. MILLER: That was my second question --

8 MR. DELANEY: Okay.

9 MS. MILLER: -- because the -- the
10 challenge for this commission is that it is
11 advisory to the City Council.

12 MR. DELANEY: Correct.

13 MS. MILLER: The City Council can choose to
14 ignore, or because of political pressures, which
15 there are significant -- can choose not to -- to
16 vote it down.

17 So to either recommend directly to the
18 Duval Delegation or directly to the -- directly
19 to a ballot --

20 MR. DELANEY: Correct.

21 MS. MILLER: -- to the voters?

22 MR. DELANEY: Yeah, I agree.

23 MS. MILLER: Thank you.

24 And the second area, on the notion of an
25 elected sheriff versus an appointed police

1 chief, have you given any thought -- and this
2 is -- this is actually what happens in several
3 counties around the state and other
4 municipalities, where there is --
5 constitutionally, there's required to be an
6 elected sheriff.

7 So if we have an elected sheriff who has
8 certain duties, as well as an appointed police
9 chief with certain duties -- so maybe bifurcate
10 the duties. The elected sheriff in most
11 counties is responsible for corrections, the
12 jail, and law enforcement in maybe some of the
13 incorporated areas. It's a little bit different
14 for Jacksonville because we are so much
15 incorporated, but we do have outlying mayors.
16 We have the outlying townships, Baldwin, the
17 beaches, et cetera.

18 So have -- and, of course, his service to
19 the port, possibly the military, the JAA,
20 et cetera.

21 So have you given any thought to maybe a
22 different kind of structure where we continue to
23 have an elected sheriff, but we also have an
24 appointed police chief, and the appointed police
25 chief would be responsible for the urban core,

1 Jacksonville city limits law enforcement, and to
2 deploy police, you know, forces and -- what are
3 your thoughts on that, if any?

4 MR. DELANEY: Yeah, I haven't given much
5 thought to that, and primarily I would hang up
6 on the -- basically the city limits or
7 essentially the county limits, with the
8 exception of the beaches and Baldwin -- and
9 Baldwin may even have changed now. I think they
10 did away with -- have they done away with their
11 police department?

12 MR. CLEMENTS: Yes.

13 MR. DELANEY: Yeah, they've done away with
14 their police department.

15 So it would be the three beach cities,
16 and -- essentially you'd either emasculate the
17 office and make him the chief of corrections,
18 and -- I think it's better to have one chief of
19 police, whether that's the sheriff or the chief
20 of police. And, again, it would be --

21 You can't argue with Mayor Austin's view
22 of -- of the executive branch, I really can't.
23 I just factored in, balanced out the politics
24 and the history, that up until now that's worked
25 out.

1 You know, there's always -- what government
2 is about is -- there's always going to be
3 tension. And, historically, that has worked
4 out. The tension has popped up now in some of
5 these extraordinary budget times, but it's hard
6 to argue that -- that having it under one
7 umbrella wouldn't be the more efficient way to
8 go.

9 I don't know if that model really can
10 work. I can't get it in my head where it would
11 work.

12 MS. MILLER: And through the Chair, one
13 other area you mentioned and opened the door to,
14 and that's the General Counsel's Office and the
15 need for an independent General Counsel's
16 Office. And although this commission has
17 decided not to pursue that further, I'd like
18 your opinion because there's this notion that
19 maybe we've talked about disbanding or limiting
20 the independence and --

21 You're absolutely right, an independent,
22 objective General Counsel is essential,
23 absolutely essential. And I liked your analysis
24 in terms of the selection process, almost
25 similar to the Judicial Nominating Commission

1 process. You have a process that nominates a
2 slate to the mayor, to the governor for
3 selection. And essentially in the judicial
4 nominating process you're considering the role
5 of that person as a judge, as an independent
6 judge. And we've heard that the General
7 Counsel's Office -- as a Supreme Court, which it
8 is, because of the binding legal opinion power,
9 but it's also likened to the General Counsel
10 for GE.

11 And so I would ask if you have given any
12 thought to -- it seems to me that the only way
13 the General Counsel's Office can remain strong
14 and withstand a challenge is if the General
15 Counsel is truly more judicial in their actions,
16 and that is being independent, impartial, not
17 engaging in policy issues, and ensuring that
18 there is some measure of due process and
19 transparency in making the binding legal opinion
20 decisions to withstand a challenge, and -- and
21 I'd like your thoughts on that, as well as
22 there's been talk on whether or not there should
23 be limitations on term limits and that type of
24 thing.

25 And then, as a -- as a subset of that, you

1 mentioned that there's never been a challenge,
2 it's never been overturned, but I'm almost
3 certain that -- the school board disagrees with
4 the General Counsel's binding legal opinion,
5 they have no standing legally to bring a
6 lawsuit, so it's almost hard to bring a lawsuit
7 unless it's by the Concerned Taxpayers of Duval
8 County, and then they would have to argue that
9 they have some standing on this issue.

10 So the parties directly affected by the
11 binding legal opinion don't have standing to
12 bring an appeal; is that correct?

13 MR. DELANEY: That's correct, and they
14 shouldn't because that -- that's the whole
15 reason to have the General Counsel and the
16 Supreme Court in the school board case,
17 particularly the school bus case. If I'm
18 remembering those facts correctly, there was a
19 challenge, either by a school board member,
20 independently funded, and the school bus
21 contractors under some kind of a writ on the
22 theory that they were adversely impacted by
23 the -- by the opinion of the General Counsel.

24 There has been extraneous attempts to
25 litigate. Jim Rinaman wanted to litigate one of

1 mine. I'm trying to remember what that was. He
2 ended up -- you know, external can, on occasion,
3 get -- be able to undercut a bad opinion by the
4 General Counsel.

5 I'm sort of -- first, as to the process, I
6 think the process for selecting the General
7 Counsel -- and I want to say this, not as a
8 criticism to the Judicial Nominating Commission
9 because the Chair is a great friend and it's
10 a -- you know, they've been recommending great
11 people, but I think it would be fair to say that
12 the selection process for the General Counsel
13 has been less political than on occasion happens
14 with the Judicial Nominating Commissions. It's
15 just the nature of people and -- in that case,
16 of course, they're able to meet outside of the
17 Sunshine and -- and things slip in that way.

18 I think the General Counsel should -- I
19 mean, what's going to happen with a client is
20 they're going to ask -- they're going to draw
21 the lawyer into policy. How would I get this
22 done if I wanted to do it? And the General
23 Counsel needs to be able to help the client get
24 to where they want to go legally, and that
25 doesn't necessarily -- legally.

1 Now, they've got to put up a stop sign,
2 obviously, if it's illegal. That's the role of
3 the General Counsel in any corporation.

4 But you're going to have the council --
5 maybe certain members of the council wanting to
6 go a particular way and the mayor wanting to go
7 a different way, and I think the General Counsel
8 needs to be able to help them develop their
9 policy, look at all the risks, look at the
10 upsides and the downsides, look at the potential
11 land mines, and help them get to where they want
12 to go legally, and then you go to the democratic
13 process.

14 Now, again, if there's an illegal act, an
15 unconstitutional ordinance, an illegal executive
16 order -- I vetoed a bill that General Counsel
17 Fred Franklin, who's a very close, personal
18 friend and a friend of yours -- he told me I
19 didn't have the authority to veto the thing.
20 And he laughs about it to this day. He was
21 probably right. I was probably wrong at that
22 time. I disagreed with him at the time. Life
23 goes on. And I think --

24 The nature is, when the General Counsel has
25 to issue an opinion, somebody wins, somebody

1 loses. And they, obviously, have to have their
2 own credibility -- have earned their credibility
3 with their clients and with -- you know, with
4 City Hall. And when you issue a no opinion, you
5 lose some of that credibility.

6 I don't think term limits are necessary. I
7 think the turnover of mayors typically is going
8 to change that. The current General Counsel has
9 been the exception to that, but by and large,
10 every mayor brings in a new General Counsel. I
11 think that's happened every time -- I'm thinking
12 back. Hans went through a series of short-term
13 General Counsels, but -- a couple of years.
14 Jake had one, Tommy had one, I had a couple, and
15 then Mayor Peyton is the only one that continued
16 one from a previous mayor.

17 MS. MILLER: Thank you.

18 THE CHAIRMAN: Commissioner Garvin.

19 MR. DELANEY: And if I could make one other
20 comment.

21 The General Counsels, if you look at that
22 litany, you know, two have been State Attorneys,
23 two have been mayors, three judges. I mean,
24 it's a pretty -- pretty strong litany of people
25 that have served in that role. They're pretty

1 strong lawyers.

2 Okay. I'm sorry.

3 MS. GARVIN: That's all right.

4 Thank you for being here. Appreciate it.

5 MR. DELANEY: Thank you.

6 MS. GARVIN: I've been listening a lot
7 to -- appointed, elected, and it's really
8 confusing.

9 I look at Jacksonville -- and I'm very
10 proud of my city. I was born and raised here.
11 We've had a strong mayor, but the two areas
12 where I see that our city -- there's -- there
13 seems to be some concerns, are safety and
14 schools, and those are the two issues that our
15 mayor currently has the least amount of
16 influence in.

17 And I know -- having sat in that position,
18 I'd kind of like your feedback on that and just
19 your ideas of what happens or what could happen
20 or what could -- what could have changed.

21 And also, as the sheriff was speaking, he
22 talked about the difference in the elected and
23 the appointed and the tenure of time that the
24 average appointed chief of police or sheriff was
25 only three-and-a-half years, which seems like

1 a -- a short time, in my opinion, when you look
2 at the accomplishment of what our Sheriff's
3 Departments have done. And we've been very
4 blessed with good sheriffs.

5 And then also your comments or your
6 thoughts on the -- the people, meaning me,
7 giving up what I feel like is a right that I
8 have to elect these people to represent me,
9 either -- the sheriff or in the schools.

10 MR. DELANEY: Well, probably prompt a bit
11 of a rambling answer.

12 I'll start with the last one first. You
13 know, some places elect fire district boards,
14 some elect mosquito control boards. We've got a
15 Soil and Water Conservation Board. You can take
16 this elected thing way out and elect all kinds
17 of functions if you want.

18 And, again, I think your role is, what's
19 going to be the most efficient? And Duval has
20 adopted that the most efficient is a strong
21 mayor form of government for city and municipal
22 county services, and -- and I think that's been
23 the correct model.

24 Crime has got a couple of different pieces
25 to it. You know, you've got the social

1 environment that we're in that the mayor can
2 impact. You've got policing, which is basically
3 arrests after the fact, for the most part. They
4 do other things, but -- but arrests after the
5 fact and the management of the jail, and then
6 you've got prosecution and sentencing, and
7 that's handled by the State. And that is an
8 area, of course, the mayor has no control over.

9 I'll go back historically to the
10 relationship between the sheriffs and the
11 mayors. Historically, they've worked well.
12 Historically, they balance things out. There
13 hasn't been the public spats. There's some
14 tension. There's always going to be -- there's
15 tension -- there was tension between me and my
16 fire chief, who wanted more, but he didn't go
17 out publicly on it. It was internal, you know,
18 and you have to balance those out.
19 Historically, those things have sort of ironed
20 out.

21 As to the school system, you know, a number
22 of cities have gone -- where the cities have
23 said, we've had so many problems, we've got this
24 usually elected board, and what we want to do is
25 to say we're going to elect a mayor, you're in

1 charge of all these issues. We want you in
2 charge of the school system. You appoint the
3 board. The board hires the superintendent. You
4 make this thing work.

5 In some cases, I guess the mayor
6 actually -- which maybe was the root of Jim's
7 question -- the mayor may app- -- may do that,
8 but I -- but I think the better model is to
9 do -- follow our independent authority model,
10 and I -- I think the time has come for that.

11 In saying that, this board has
12 functioned -- have functioned well, and the
13 current board has functioned well, but the
14 history is what tips the scale to me, and --
15 just not -- just the political science of it,
16 the history of it, and -- that it has -- it
17 hasn't been as strong as it's needed to be over
18 the last 50 years. It just hasn't worked. It
19 hasn't worked.

20 MS. GARVIN: And the timing of the elected
21 versus --

22 MR. DELANEY: I think that's irrelevant, to
23 be candid. I mean -- you know, that -- I think
24 that's irrelevant.

25 The police chiefs that get appointed come

1 in with a lot of experience. I don't think that
2 tenure matters whatsoever.

3 It was an interesting response, though, to
4 say "I wouldn't be a puppet." Well, you know,
5 the boss is the boss. And the boss sets
6 policy. You've got to follow policy. If you
7 can't get along with the boss -- if you disagree
8 with the policy, then you need to leave. You
9 need to protest one-on-one. If you can't change
10 the mind, then you need to move on.

11 THE CHAIRMAN: Commissioner Youngblood.

12 MR. YOUNGBLOOD: Through the Chair to
13 Mayor Delaney. Mr. Mayor, a question for you on
14 the constitutional officers, appointed over
15 elected. You spoke of savings. Have you put
16 greater thought into an estimate of savings that
17 we would have, appointed over elected? And is
18 that saving echoed throughout the constitutional
19 officers' positions?

20 That's the first question.

21 MR. DELANEY: Yeah, I think you'd pretty
22 easily save hundreds of thousands of dollars in
23 each office. Is it more than that? I don't
24 know. I haven't give enough thought to that.
25 And, again, I haven't looked at those offices in

1 terms of their staffing in almost -- seven years
2 ago now.

3 But you'd clearly save -- you wouldn't have
4 to pay what we're paying the elected officials
5 now. You trim out some of the staffing that can
6 be handled by procurement here and IT here,
7 those sorts of things. You clearly would save
8 those sorts of things and probably on rents.
9 There would be other ways to -- you know,
10 consolidations.

11 I mean, when -- when the government
12 consolidated, the property tax rate was dropping
13 a full mill a year, year after year after year
14 as they got all these savings together and you
15 eliminated overlap in duplication, so you pick
16 up some of that.

17 Is it in the multimillions? I don't think
18 so. I don't -- on the four constitutional
19 officers, I don't think so, but that's a --
20 pretty much a back-of-the-envelope guess.

21 MR. YOUNGBLOOD: Okay. Thank you.

22 Overwhelmingly it seems, with the e-mail
23 correspondence we're receiving as a commission
24 from the people, the will of the people is not
25 appoint a chief of police, continue elected. So

1 I think I would echo your sentiments that it
2 seems to be a political impossibility if we do
3 take it to a referendum for the will of the
4 people because they seem to be speaking already.

5 Could you expound upon that?

6 MR. DELANEY: Well, I think the question
7 is, should that matter to you? I mean, that's
8 sort of, I think, what I think Mayor Austin was
9 asking, should that matter to you?

10 I sort of took my role as making a
11 recommendation to you, just -- you know, the --
12 so you can bounce some thoughts off of, and
13 here's just my thoughts.

14 If I'm sitting in your chair, maybe --
15 maybe I'd have some different conclusions, but I
16 think it's a political lift -- I think it's a
17 political impossibility as to the sheriff. I
18 think it's doable as to the four ministerial
19 offices. I think it's very hard for the school
20 board, but I think it's outweighed by the
21 long-term advantages.

22 So the sheriff may be the one that's the
23 most problematic in this discussion. The
24 question is, if it's politically impossible,
25 should you take it up? You know, you can

1 Don Quixote. You wouldn't be wrong, but is that
2 worth the angst in the community? You know, my
3 tilt was that it probably isn't.

4 Mayor Austin used to tell me politics is
5 about luck and timing. The timing in five years
6 or ten years, it may be a different scenario.
7 It may be a sheriff that says, you know what?
8 This would be a better, more efficient way to
9 run this police department; we want to merge
10 this together in terms of City Hall.

11 Right now I just think it looks tough. It
12 may be irrelevant.

13 MR. YOUNGBLOOD: On behalf of the
14 constitutional positions within the school board
15 with a 1.7., \$1.9 billion budget, does that
16 bring that budget as an appointed position back
17 into the City budget overall or does it continue
18 to break it out and allow those appointed
19 positions to make those decisions over the
20 budget?

21 MR. DELANEY: Well, they're all -- they're
22 all independent. Like the independent
23 authorities, they've got their own independent
24 budgets. They do come forth to the City Council
25 for approval in various forms and fashions. The

1 bond issues for the JTA gets approved by the
2 City Council, and so I'm not sure if you'd
3 want -- I guess you'd have to. You'd have to
4 have the budget for the school board come back
5 into the City Council. I haven't thought that
6 one out all the way through.

7 MR. YOUNGBLOOD: It's a huge portion and,
8 obviously, it's the largest portion, I think,
9 within our City government and it's also the
10 greatest complaint that we see from the
11 citizenry, is education and public safety, so
12 these are huge topics for us to undertake.

13 Thank you so much.

14 MR. DELANEY: Yeah. Well -- and I will say
15 that when I entertained this on the school
16 board, my staff -- I couldn't convince half my
17 staff it was the right way to go. You know,
18 you're going to have disagreements. There's
19 just no question. And my staff asked me, how is
20 it going to be better if you have an appointed
21 board? My instinct was, because we'd have
22 business and community leaders with no -- that
23 could be -- that could be apart from political
24 pressures and really stay at the governance
25 level and deal with the major policy issue, not

1 got [sic] drawn into, you know, principal
2 assignments and these kinds of things that tend
3 to be drawn into.

4 And, again, the JEA, the JTA, the two ports
5 now, the seaport and the airport, they have all
6 worked marvelously well. It's a great track
7 record, and that model seems to fit that
8 particular board.

9 MR. YOUNGBLOOD: Thank you.

10 THE CHAIRMAN: Commissioner Korman.

11 MS. KORMAN: Two questions. These should
12 be easy, so you'll remember this.

13 The first one is, can you recommend
14 speakers for us to talk to us about the
15 appointed school board issue? Because we really
16 struggle with trying to find people on both
17 sides, except for our own local people.

18 And the second question is -- I'm
19 struggling with how we can cherry pick and only
20 do -- if we do recommend appointed officials,
21 not do the tax collector, property appraiser,
22 supervisor of elections because -- and if I
23 understand correctly, when consolidated
24 government happened, they were all basically
25 part of the mayor's, you know, CEO, and then his

1 directors.

2 So I don't -- I mean, I feel personally
3 that maybe we'd run smoother -- I'm not sure,
4 but I'm struggling with that.

5 MR. DELANEY: I got it. Okay.

6 As to your first question, locally,
7 Peter Rummell, Preston Haskell, Steve Halverson,
8 and Lynn Pappas have spent a lot of time reading
9 and researching on the topic of appointed school
10 boards, and I think Lynn may well -- Lynn has
11 looked at some national things, and so I don't
12 know if you've had any of those four there.

13 As to your second question, which is a very
14 fair question -- and I'll see if this is what
15 you're asking. Philosophically, how do you
16 distinguish between advancing appointing one of
17 the -- again, I broke it into three segments --
18 one of the three as opposed to another? And I
19 kind of ranked them in terms of school board,
20 yes; ministerial offices, if you want to, you
21 know, okay, it probably would be better, but --
22 but it doesn't have to be. You know, the
23 history has been okay. And sheriff, because of
24 the weight of history and the weight of
25 politics, I knock it off.

1 And I've worked with Mayor Austin long
2 enough to know that he -- he has a very pure
3 view of these things, which I really respect and
4 admire. And I guess what I'd say is politics is
5 about compromise. You know, when the
6 constitution was written, which we view as one
7 of the most beautiful documents ever written in
8 the history of mankind, immense compromises.

9 You know, women didn't vote. Slaves didn't
10 vote. Slaves were counted as three-fifths of a
11 human being for census purposes. I mean, huge,
12 immense compromises were made because of the
13 political reality of the day.

14 As awful as it is to look back at that
15 three-fifths compromise, it's probably what it
16 took to get that thing done, and we had to fight
17 a civil war 80 years later to go ahead and
18 ultimately resolve it. And so it's about the
19 timing.

20 And I can't say I feel good about that
21 recommendation, especially as I look with the
22 respect I have for Mayor Austin, but I just
23 thought I'd assemble a four-part test and make a
24 recommendation to you. I just say, hey, you
25 just make a -- you've got to make a -- you know,

1 the better part of valor on some decisions.

2 MS. KORMAN: Mr. Chair -- and so, to go
3 back to your point you said to Commissioner
4 Youngblood, I mean, if we're having open
5 discussion dialogue for the future, so
6 regardless of what -- how hard something may be
7 to get passed or not, I mean, is your advice
8 just to go ahead and make recommendations and
9 not think beyond how we get it done?

10 MR. DELANEY: I guess what I've recommended
11 to you is to be pragmatic as it comes to that
12 one position. I think there'd be so much fire
13 over that one, you wouldn't be able to deal with
14 the other two. And then the two, I mean the
15 ministerial and the school board, if you decide
16 to move forward on those.

17 And so I'm a bit of an incrementalist, and
18 that's really what my observation is to you.
19 It's not that I'm going to be offended if you
20 disagree, though.

21 THE CHAIRMAN: Commissioner Austin.

22 MR. AUSTIN: I'm probably being
23 repetitious, but the -- these two very prominent
24 functions of the government, of education and
25 public safety, which are basically outside the

1 realm of the -- the so-called strong form of
2 mayor -- which I thought of an oxymoron as far
3 as this strong mayor, and really is -- when it
4 comes down to getting other things accomplished,
5 you had a great -- Better Jacksonville Plan and
6 a lot of other far-reaching things.

7 It's really impractical for a mayor to take
8 on and try to use the political capital to
9 change education and law enforcement; is that
10 correct? I mean, while in office.

11 MR. DELANEY: I don't think so. I think,
12 number one, nothing can pass in Jacksonville
13 unless the mayor agrees with it. In other
14 words, it's hard to pass something over the
15 objections of the mayor. The -- probably a good
16 example of that was the Children's Commission
17 referendum that you worked on and led and that I
18 helped you with. The mayor opposed it, and it
19 lost, barely lost, but it lost. And if the
20 mayor had been for it, that thing would have
21 passed.

22 And I often say that a mayor can do
23 anything the mayor wants, you just can't do a
24 lot of them. So the question is, how many of
25 those -- how many chits do you have to use up to

1 get that done?

2 In hindsight, I kind of think that one of
3 my regrets was not pursuing appointing the
4 school board, and I think that we could have
5 made a case to the public that we could make --
6 we could have made that a more efficient
7 system. And it was, again, when it was at a
8 very dysfunctional stage. You know, there was a
9 lot of controversy about how it was being
10 governed, and -- so I think that's doable, but
11 it's so much as timing.

12 I don't know if that's quite what you're
13 asking, if I'm answering what you're -- what
14 you're --

15 MR. AUSTIN: No, I was just thinking back
16 personally. I never thought I ever had the
17 political capital anywhere near taking on the
18 school board and the sheriff. I -- to get
19 anything else accomplished. Of course, I never
20 did have a lot of political --

21 MR. DELANEY: Well, you passed the
22 River City Renaissance Plan, which never would
23 have passed in a referendum because of that
24 climate. It was the '90/'91 recession, very
25 sour mood about downtown development, very sour

1 mood about City Hall in general, opposed by two
2 previous mayors that were fairly prominent,
3 and -- and that -- I mean, you had the capital
4 to get that thing through, and that was two to
5 one on the City Council.

6 So, you know, obviously the relationship
7 with Sheriff McMillan -- you know, you were able
8 to kind of keep him in the box when he had great
9 needs and -- cops always want toys and computers
10 and new guns and -- there was obviously some
11 political tension that went on, but some of that
12 was the relationship that was existing.

13 MR. AUSTIN: I guess my point ultimately
14 was that -- in fact, it was that perhaps these
15 things were -- are better left to a Charter
16 Revision Commission to address periodically --

17 MR. DELANEY: I can't argue with that.
18 That's why it exists.

19 MR. AUSTIN: -- so they're insulated from
20 the political pressures of the day-to-day
21 operations.

22 Thank you.

23 MR. DELANEY: Yes, sir. That's correct.

24 Perhaps the best example of that was when
25 the Charter Revision Commission -- I guess it

1 was '90 or the late '80s, that recommended doing
2 away with the elected Civil Service Board and
3 moving that to an appointed board. And it was a
4 fight, they raised some money. And you're
5 right, no mayor would have taken that on. No
6 mayor would have taken that on, but that -- I
7 think that's a very, very legitimate point.

8 THE CHAIRMAN: Commissioners, I have nobody
9 else in the queue. I just want to check one
10 more time.

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: President Delaney, thank you
13 very much --

14 MR. DELANEY: That's good because I'm
15 exhausted.

16 Thank you very much.

17 THE CHAIRMAN: It was very informative --

18 MR. DELANEY: I appreciate your willingness
19 to take this time and -- and I know it's a lot
20 of time. You thank me for coming, but I'm just
21 giving up an hour. You guys are doing a lot of
22 heavy thinking and really support -- it's really
23 a joy to see.

24 Thank you very much.

25 THE CHAIRMAN: Let me -- also, while you're

1 here, let me just commend your institution.
2 They've been a great resource for us. We've
3 heard from Dr. Hallett. We're going to hear
4 from Dr. Corrigan. Dr. Thomas has been at
5 several of our meetings. And so on behalf of --
6 as the representative of UNF, we appreciate
7 their resource and help for us.

8 MR. DELANEY: Well, those three in
9 particular are good, and you're -- Corrigan is
10 going to be pretty provocative for you as well,
11 so good luck.

12 Thank you.

13 THE CHAIRMAN: Thank you. Thank you again.

14 Dr. Corrigan.

15 (Dr. Corrigan approaches the podium.)

16 THE CHAIRMAN: How's that for a segue?

17 DR. CORRIGAN: Good morning.

18 THE CHAIRMAN: If you could give your name
19 and address for the record and --

20 DR. CORRIGAN: Sure.

21 Matthew Corrigan, 4035 Boone Park Avenue,
22 Jacksonville, Florida.

23 THE CHAIRMAN: Wait. She has to swear you
24 in.

25 DR. CORRIGAN: Oh. Sorry.

1 THE REPORTER: Would you raise your right
2 hand for me, please.

3 DR. CORRIGAN: (Complies.)

4 THE REPORTER: Do you affirm that the
5 testimony you're about to give will be the
6 truth, the whole truth, and nothing but the
7 truth so help you God?

8 DR. CORRIGAN: I do.

9 THE REPORTER: Thank you.

10 DR. CORRIGAN: Thank you for having me, and
11 I know it's been a long morning already.

12 I'm glad to be on the same podium with
13 Sheriff Rutherford and President Delaney. I
14 respect both of them for their public service.
15 Particularly, if you come out to the university
16 these days, you can see the great
17 transformations out there, so I welcome you to
18 come out. It's really stunning out there right
19 now.

20 It's a little bit difficult speaking
21 placement for me because the first speaker can
22 arrest me and the second speaker can fire me,
23 so -- but we're going to move forward anyway.

24 I also want to be clear that I'm speaking
25 for myself. I'm not speaking for my department,

1 I'm not speaking for the university, and I'm not
2 speaking for any other member of the Corrigan
3 family. And there's a lot of them around and
4 they'll be glad to share their opinions with
5 you.

6 I'm going to take a little bit of a
7 different tact here, if I could, and if you'll
8 indulge me just a little bit, before I get to
9 the specific questions that the chairman
10 offered.

11 I think before you get into deciding
12 important issues like an appointed versus an
13 elected sheriff, you have to decide why you're
14 looking at this remedy. In other words, what is
15 the problem? What is the disease, if you will,
16 you're trying to address? And I think you need
17 some guiding principles to all of your
18 decision-making here.

19 And let me echo President Delaney on how
20 impressed I am with your service. You asked
21 very good questions, many questions I haven't
22 thought of, and you're really doing a service to
23 your community. And for a public administration
24 person, it does my heart good.

25 When you look at the original charter and

1 the original coming together of the consolidated
2 city, there is a reason for that action. And a
3 number of them were corruption issues, economic
4 development issues, that it was hard to deal
5 with a lot of different government entities and
6 it was much better to be a consolidated
7 government to -- to promote business and to
8 attract businesses. You're also dealing with
9 efficiency issues, duplication of resources,
10 duplication of services.

11 And those really drove the original ideas
12 and the original impetus for going to a
13 consolidated form of government. So I think you
14 will have to answer the question, what is
15 driving you? In other words, what are the
16 important challenges that this commissions needs
17 to address? What is your theme, if you will?

18 And, again, there are so many issues in
19 this city that we need to address. You know,
20 Dr. Thomas has spoken on some of these. And you
21 could just start, you know, from downtown
22 development to racial equality to many other
23 issues. And, obviously, you can't do all that.

24 I think what you have to do is figure out,
25 do we have the structure of government that can

1 allow us to address these challenges? Okay? Do
2 we have the basic form of government and do we
3 have the relationships within that form of
4 government to do this?

5 And, to me, the two biggest challenges
6 right now in the government -- and just in terms
7 of structure -- are the long-term fiscal health
8 of the city, and this has been brought on and --
9 and you-all are experts on this by now -- by the
10 recession, by our changing economy. We can no
11 longer depend solely on our development issue --
12 our development industry and tourism and -- to
13 the extent that we have been in Florida. We are
14 changing our economy drastically, and that's had
15 impacts on our revenue coming in.

16 When you look at this idea of long-term
17 fiscal sustainability, you also have to
18 consider, again, issues like the pensions and
19 issues like the basic reality, that if we
20 continue offering the services that we want to
21 offer, we don't have the revenues to do that.

22 And I can't compete with the sheriff's
23 numbers and so forth. I don't have that level
24 of detail, but I think that basic premise is
25 right, that if we go on our current path, even

1 with the recent tax increases, we don't have
2 enough revenue to cover where we're going to
3 head, and I think that's a -- that's a basic
4 problem that you need to consider.

5 The second major guiding principle, if you
6 will, or question is, how -- in this
7 consolidated government that has changed fairly
8 substantially since the beginning, how do we
9 coordinate everybody to move in a common
10 direction? How do we work with the school board
11 and the independent authorities and the
12 sheriff's office and the mayor's office and the
13 City Council and move in a common direction so
14 we're not working at cross-purposes?

15 And that was probably easier when we
16 started this government. I think it's much
17 harder now.

18 So let me address those two guiding
19 principles and offer a couple of major reforms,
20 and then I will use that framework to answer
21 your specific questions.

22 First, on the long-term fiscal problems the
23 City is facing, it's clear from the charter --
24 and I think the sheriff agrees with this, I
25 think almost anybody who reads the charter

1 agrees with this -- the mayor is the chief
2 administrative officer of the city. The mayor
3 is also the chief budget officer of the City.
4 And it's not clear from my reading of the
5 charter -- and I'm not an attorney, but it's not
6 clear that the mayor can veto the budget in its
7 entirety. He should be able to do that. He or
8 she should be able to do that.

9 It's not where you want to go, but, again,
10 if the mayor feels that a particular budget is
11 not in the long-term fiscal interest of the
12 community, he should be able to veto a budget in
13 its entirety, and it should be two-thirds of the
14 council to override it because then you can
15 really have a -- you talk about a fight, then
16 you'll have a fight, but I think it's a fight
17 for a worthy purpose, the long-term fiscal
18 health of the City.

19 The mayor, again, from my reading, has a
20 line item authority to veto individual costs and
21 individual appropriations. It takes a majority
22 to override that. It should be two-thirds
23 because, generally, if you have a veto, it's
24 two-thirds to override, and then -- because the
25 budget is the central place where this

1 consolidated government of 2009 comes together.

2 And if you give the mayor some enhanced
3 budget authority there, that can help to bring
4 that common purpose together because, again, the
5 sheriff is the expert in his area, and he can --
6 he can determine what the resources of his
7 department are, but, again, the mayor will have
8 a major say if that veto authority is enhanced.
9 The mayor already has a say, fair enough, but I
10 think if you enhance it and make it clear that
11 the mayor is a -- the major budget officer in
12 the city, in the county, it would help.

13 Now, let me get to the second one, moving
14 together in a common direction. Again, I think
15 all of our different government entities are
16 doing a much better job of laying out plans and
17 laying out visions, but what I don't see is the
18 consolidated government coming together, all
19 trying to move in a direction. Okay?

20 And I know staffs from the mayor's office
21 and the school board talk all the time and I
22 know elected officials talk all the time, but
23 there's no formal process that I see that moves
24 us all in one direction. And I would suggest
25 that the charter contain a provision that when

1 the mayor is elected, after about two months,
2 the mayor is obliged to call together all the
3 elected officials in the county -- or in the
4 City, and -- along with the independent
5 authorities -- so you're talking about the
6 City Council, you're talking about the sheriff
7 and the other constitutional officers, you're
8 talking about the independent authorities -- and
9 come up with a strategic plan for the next four
10 years.

11 And the mayor can lead the process, but he
12 shouldn't be the only input to the process.
13 There should be public input -- and JCCI has a
14 lot of good ideas about that. But at the
15 beginning of a mayor's term, if you come
16 together with a strategic plan, it can help, I
17 think, agencies work together.

18 And let me just give you one example, and
19 this is -- it's a -- not a hypothetical, but
20 one, you know, I haven't thought out
21 completely. But, for example, the Times-Union
22 is going to run a major series on downtown
23 development. If, from the strategic planning
24 summit or conference, downtown development came
25 out as a major priority of the next four years,

1 the sheriff has a major say in that. Security
2 is obviously important. You're not going to get
3 people downtown unless people feel secure.

4 If the mayor is going to invest some
5 economic development dollars, it should be
6 matched maybe by the Jacksonville Airport
7 Authority making sure we get shuttles getting
8 people to downtown, making it easier to get to
9 downtown.

10 Our school board would have a say in that
11 because if we're promoting certain industries
12 downtown, we want to make sure our school board
13 is preparing people for these particular
14 industries.

15 So you're moving in a coordinated
16 structure. It doesn't have to be a
17 straightjacket, but at least it can be a guide,
18 and -- because, you know, the City Council is
19 going to weigh in and have -- still have
20 legislative authority.

21 But if you have something like this, it
22 does -- it serves two purposes. It helps the
23 mayor and the City Council when agencies come to
24 them with their budget request to basically have
25 a guide to go by, saying, you know, you want to

1 hire in this particular area, that really wasn't
2 part of our long-term strategic plan. You need
3 to make a pretty good justification for that if
4 you want to do that. So I think it helps in the
5 budget process and it feeds off each other.

6 But it also helps with the public
7 because -- and this is no indictment of our
8 current City Council or our current mayor, it's
9 just the climate in the country. People are
10 very distrusting of public officials right now.
11 You're in a terrible recession. Our national
12 government is heavily in debt. There's a lot of
13 uncertainty. People want openness. And I think
14 if you have an open forum where you decide the
15 general direction the city is going to go in the
16 next four years -- and maybe beyond. You can
17 have short-term goals and long-term goals. I
18 think that would do us well and do us well with
19 the public.

20 Now, let me get to your questions.

21 Should constitutional officers be appointed
22 or elected? I think I'd echo the president of
23 trying to put them into three boxes. The
24 sheriff and the mayor are different. I'm going
25 to handle that differently because, number one,

1 I think it's the most important department in
2 the City for various reasons. And, number two,
3 the high expenditures from that particular
4 department.

5 But in terms of the property appraiser,
6 supervisor of elections, et cetera, I don't --
7 and if I'm using those two guides as a -- to
8 help in decision-making, long-term fiscal health
9 and bringing the consolidated government
10 together, I don't know really what you gain by
11 making them appointed. You know, I think a lot
12 of their duties are handled or are dictated by
13 the State, that they have to do certain things,
14 and I think they've worked pretty well.

15 Now, there is a problem that people aren't
16 that excited about an election for the tax
17 collector. That's a fair point. But I think if
18 you start bringing things in like the tax
19 collector and the property appraiser under the
20 mayor's guidance, you know, that's handling
21 of -- of money, of incoming money, and -- and I
22 think people might be uncomfortable with that.
23 I'm not sure that's really a necessary step.

24 Let me talk about the relationship between
25 the sheriff and the mayor. Again, I think it's

1 the most important relationship in our
2 consolidated government, and for a lot of
3 reasons. One, obviously, like other urban
4 areas, we've got a serious crime problem, and
5 government cannot function unless people feel
6 safe. And so the security that the sheriff's
7 office provides is essential to quality of life,
8 and I salute them and all the officers who take
9 part in that. It's dangerous work, it's tough
10 work, and I thank them for their service.

11 But because it's become such a large part
12 of the budget process, I think it needs special
13 attention. And clearly this commission has
14 concerns about the relationship, former mayors
15 have concerns about the relationship, the
16 current mayor has concerns about the
17 relationship, and the current sheriff, to his
18 credit, says, you know, he's willing to have --
19 engage in this discussion.

20 I don't think you can decide this in the
21 next month and a half, if you wanted an
22 appointed sheriff versus an elected sheriff.
23 There are so many things to consider here. And
24 I can't endorse that proposal today because I
25 don't have enough details in front of me.

1 Okay?

2 If you're going to go with an appointed
3 sheriff, you know, there are a lot of questions
4 that need to be answered. For example, does the
5 mayor appoint and just leave the appointed
6 sheriff alone or is the mayor going to be
7 involved in other hiring issues? I think you
8 had a question going along with that.

9 Does the mayor get involved in deployment
10 of forces? Which I don't think you want.

11 So I think all those questions and many
12 others would have to be answered to -- to make a
13 recommendation like that. And I think just
14 looking at the structural part of it also
15 ignores other parts of the relationship that
16 could be examined.

17 So I would recommend that a commission by
18 the City Council be appointed to look at this,
19 to look at this relationship, and to look at all
20 aspects of it and see if we can improve it, to
21 see if there are other areas we need to
22 examine. For example, can the finance officers
23 of the mayor's administration work better with
24 the finance officers in the sheriff's office?

25 Can we work on the Jacksonville Journey --

1 which was a great piece of cooperation between
2 the mayor's office and the sheriff. Is that a
3 structure that we can move forward and do other
4 things with?

5 Can we use the sheriff's, frankly,
6 brilliant idea of these public service
7 officers? Because they save money. Can they be
8 used in other capacities? Again, maybe if
9 downtown is an area of economic development,
10 maybe they could provide some security
11 downtown.

12 I'm not an expert in criminology, so I
13 don't want to get into the weeds too much on
14 that, but I do think that since there -- this
15 issue has been brought up, that you need to look
16 at the -- sort of a wide scope of the
17 relationship.

18 And I want to commend my colleague,
19 Dr. Hallett, for bringing this up because he's
20 doing exactly what academics should do, push us,
21 make us think a little about -- in different
22 ways, and I -- you know, he deserves a lot of
23 credit for that. I don't agree with Dr. Hallett
24 on everything, but I do agree that he's
25 performed a public service here.

1 President Delaney also talked about
2 political reality. And many of you, again,
3 asked a very good question, well, are we here to
4 worry about politics or are we here to vote our
5 minds? And so you've got to decide whether you
6 want to be a trustee, which you basically vote
7 your mind, or you want to be a delegate. Okay?
8 Are you trying to interpret what the people
9 want?

10 The reality is John Rutherford is a very
11 well thought of figure in our community. And if
12 this goes forward in terms of looking at an
13 appointed sheriff, it's going to be a heck of a
14 fight, a donnybrook.

15 Now, some things are worth fighting for,
16 and so you have to decide whether you think this
17 is worth fighting for, but I think you have to
18 go into it realizing that this is going to be a
19 fight. And also, once you get out of the
20 chambers of the council, and if it gets through
21 the council, it then becomes a political
22 campaign. And, you know, all bets are off when
23 you get into a political campaign.

24 I mean, clearly you'd have Sheriff
25 Rutherford on one side, but the question is,

1 who's going to be on the other side? Okay? Is
2 the commission going to take up the role of
3 campaigning or is Mayor Peyton going to do
4 that? So, I mean, you do need -- you do need
5 somebody to sort of carry the political ball, if
6 you will.

7 And I'm not suggesting to you for one
8 second that you shouldn't make hard choices.
9 I'm suggesting that if you're going to make hard
10 choices, realize the challenges that you have in
11 front of you.

12 In one area -- and it's not clear to me
13 whether you decided to -- and that's my fault --
14 whether you wanted to get into the issue of
15 pensions, but I do have a thought on it. And if
16 you don't mind, I'd like to share it with you
17 because I think if the pension issue gets
18 resolved in some way, that helps the
19 relationship between the sheriff's and the
20 mayor's office a bit with the knowledge that the
21 sheriff is not in charge of the bargaining
22 process for the pension, but it goes to the idea
23 of what are you looking at in terms of your
24 budget challenges.

25 Again, let me reiterate my respect for

1 police officers and firefighters, again, what --
2 the service they provide makes, you know, the
3 ability to have an economy, to let people go to
4 school in safety, and I thank them for their
5 work, but I think you have to look at some
6 realities.

7 We're all living longer. That's good news,
8 but that's expensive news. And I think the
9 pension has to be examined. And I realize you
10 probably don't want to get into the weeds on too
11 much of the details, but as the City Council is
12 considering this, if you're looking at the
13 pension, you know, I think you have to look at
14 it -- a couple of things.

15 And if you are going to change requirements
16 and maybe give less on pension benefits, you can
17 do other things. And when I say "you," I really
18 mean the City Council. You know, are we doing
19 enough to provide education for transition from
20 being a retired police officer to another
21 career? Because we're going to need workers in
22 Jacksonville because really for the first time
23 in a long time, we have an aging population in
24 Jacksonville.

25 Is there a transition for retired police

1 officers and firefighters to do other City jobs
2 once they're done with their careers in public
3 safety?

4 These are just questions that I have, and I
5 think -- you know, that needs to be examined
6 when you look at the pension issue.

7 What should be sacrosanct is disability.
8 If you have a firefighter or police officer
9 disabled on the job, then we have a sacred
10 obligation as citizens and as a City to take
11 care of that, those individuals, and so any
12 pension reforms would have to consider that.

13 But what could you consider? And I'm not a
14 finance expert, but I do think that you could --
15 you should consider a cap, a cap on the City's
16 contribution into the pension fund that would
17 allow the City to remain on a
18 fiscally-responsible mode, with one exception,
19 that the cap could be overridden by a vote of
20 citizens to tax themselves to make up for the
21 cap, to make up for exceeding the cap.

22 So I don't know if you want to go there or
23 not, but it's something that I present to you,
24 that if you're -- if one of your guiding
25 principles is long-term fiscal health of the

1 City, I think it's tough to ignore that issue.

2 All right. Let me talk about the school
3 board. I absolutely believe the mayor has to
4 have a role in education in our city. It's
5 important. And, again, maybe the strategic
6 planning that I suggested may get at that a
7 little bit.

8 I don't endorse the idea of an appointed
9 school board, and the reasons why are -- I think
10 over the years we've had some issues with the
11 school board and certain superintendents, but I
12 think the school board's really never been
13 stronger right now. I think they have a
14 strategic plan, which everyone could go up on
15 their web site and see, which is -- you know, is
16 the coin of the realm in public administration.

17 And I just don't -- I don't see right now
18 where we're at such a level of crisis that
19 voters would approve it because generally when
20 you've moved from an appointed -- or an elected
21 school board to an appointed school board,
22 cities are in crisis. And while we all agree
23 our education can be improved in this city, I
24 don't think we're at that crisis mode.

25 Do you want me to talk about the election

1 issues --

2 THE CHAIRMAN: (Nods head.)

3 DR. CORRIGAN: -- or do you want me to just
4 leave it?

5 Okay. Let me briefly talk about the
6 election issues and then I'll answer any
7 questions that you may have.

8 The proposal to extend term limits from two
9 terms to three terms I think has merit, but --
10 Mayor Austin, forgive me for the political
11 calculation -- it would never pass, or it would
12 be very hard to pass because, again, you are in
13 a climate that people are very wary of elected
14 officials right now, and I think that would be
15 a -- a tough one to get through.

16 And also, we're a little bit unique that we
17 allow term limited people to come back. It just
18 can't be consecutive, so I -- I just don't think
19 that's a starter.

20 The elections, I agree, should be moved
21 from the spring. I think people get very
22 confused, why are we having an election in April
23 and May? So I do agree that elections should be
24 moved to the fall.

25 And so the question becomes, which fall? I

1 would side on the side of more concentration on
2 local elections, so elections in November 2011,
3 because I think that gives the new mayor and
4 some new council members time to get adjusted
5 before they have to get into the budget process,
6 and I think that's important.

7 I don't think you can -- if you keep them
8 in off years, I don't think you can do staggered
9 elections, even though I see benefit in
10 staggered elections. And the reason I don't
11 think you can do that is then you would have an
12 orphan election, if you will.

13 So let's say you staggered some in 2011, in
14 2013 some would come up. Well, you just have a
15 few council members running. You wouldn't have
16 the mayor running, you wouldn't have the other
17 constitutional officers running. And you want
18 to talk about low turnout, I mean, it would be
19 a -- I think it would be a difficult time to try
20 to get people to come out to vote, and also it
21 costs money to do that.

22 So if you really want to marry the
23 elections to the governor's cycle, there's some
24 potential problems with that, and I think -- the
25 supervisor has talked about increased turnout.

1 That's absolutely true in the November election,
2 but remember we have a unitary form of
3 government, so we usually have a first election
4 and then we go into the runoff if there's a
5 runoff.

6 And if I understand the proposal correctly,
7 the first election would be in that
8 August/September primary, which, frankly, is a
9 terrible time to have an election. People are
10 going back to school as well, and -- and my
11 point is you get low turnout. Perhaps not as
12 low as you've had in some of our spring
13 elections, but you still would get low turnout.

14 But the supervisor is correct, that if you
15 have a local election in November in a
16 governor's election year, man, you're going to
17 get better turnout. There's no question about
18 that. No question about that.

19 But keep in mind one of the reasons for the
20 low turnout in our last mayoral election is you
21 had an incumbent and he had, you know, a very
22 lesser known opponent, and it -- it just wasn't
23 really a very competitive race.

24 A mayor's race -- a competitive mayor's
25 race and a competitive sheriff's race will bring

1 people out, and that will -- that will show up
2 in the council elections as well.

3 So before marrying our elections to the
4 state elections, I think I'd like one more data
5 point and -- to see how it would work this
6 year.

7 And, in conclusion -- you know, I've thrown
8 a lot at you here, so I'd be glad to put
9 together a memo, if the Chair would like me to
10 do that. I need to get through grading of my
11 students' papers first, but I could probably get
12 that to you in about a week.

13 And, again, I want to salute you for your
14 service because this is hard work and -- but
15 real important work, so thank you.

16 THE CHAIRMAN: Thank you, Dr. Corrigan.

17 We appreciate your time and your insight.

18 I will take you up on your offer. I think
19 that would be helpful for us to have as we begin
20 our deliberations in the new year --

21 DR. CORRIGAN: Sure.

22 THE CHAIRMAN: -- but certainly as your
23 schedule permits.

24 DR. CORRIGAN: Okay.

25 THE CHAIRMAN: I'd like to follow up on

1 your question -- your suggestion of a strategic
2 plan for the City because that intrigues me.

3 The question I would ask, though, is, how
4 do you -- you know, the argument for the
5 independent authorities right now is we want to
6 insulate them from politics, from politicization
7 so that they can make their own business-based
8 decisions. How do you keep that strategic
9 planning process from creating that risk of,
10 okay, well, the mayor is going to set the agenda
11 even for the independent authorities?

12 DR. CORRIGAN: Well, I think there are
13 legal restrictions that will dictate that. In
14 other words, I don't think the independence of
15 the authorities make it impossible for them to
16 contribute to a goal of the City. And,
17 actually, I would argue the other way, that they
18 should be part of a coherent process that moves
19 the City forward because, you know --

20 And I know you have people talking all the
21 time, but, you know, you don't want the JAA
22 necessarily going in one direction and the
23 Jacksonville Port Authority going in a
24 completely different direction. It would be
25 nice to have this conversation, number one.

1 Number two, it doesn't have the force of
2 law. Okay? It would be a guide for
3 decision-makers to go forth through the four
4 years, and -- but what it can do is it can give
5 the mayor and the City Council a tool to say,
6 you know, this really isn't part of the plan.
7 You really need to justify why this isn't part
8 of the plan, because the independent authorities
9 are independent, but remember their budget has
10 to be approved by the City Council and the
11 mayor, and so I would use the budget as that
12 glue to bring everybody together.

13 THE CHAIRMAN: Thank you.

14 Commissioners, any other questions,
15 comments?

16 Commissioner Austin.

17 MR. AUSTIN: What you just articulated was
18 something I was groping with in some earlier
19 meetings of getting the authorities on the same
20 page and policy, pulling it together.

21 How would you do that? Would you make it a
22 statement in the charter of -- directing the
23 mayor to have this summit every --

24 DR. CORRIGAN: Yes.

25 MR. AUSTIN: -- every --

1 DR. CORRIGAN: Yes.

2 MR. AUSTIN: He could call them at his
3 discretion or --

4 DR. CORRIGAN: Well, I -- if it's in the
5 charter, it would be his discretion or her
6 discretion. It would be -- you know, it -- I
7 think two months after the new mayor gets in,
8 you want to give the new mayor a little time to
9 get adjusted, is to have this meeting, have this
10 summit, and just make it a practice of the City
11 to do that.

12 And from that, I think, discussions can go
13 forward, do you need to meet more? I mean, I
14 know the school board and the City meet all the
15 time on different things, do we want to
16 formalize that process in a way that's apparent
17 to the public and so forth?

18 MR. AUSTIN: Would you require the agencies
19 to report their objectives and --

20 DR. CORRIGAN: Absolutely. I mean, I think
21 that's the process.

22 You don't want the mayor just completely --
23 say, this is my kingdom and this is where we're
24 going to go. I think you get input from all --
25 that's the point of having this gathering, is

1 you have everybody, you know, talking about
2 where they're headed.

3 And I think you're going to have a lot more
4 agreement than disagreement. I mean, you're
5 talking about big goals and you're talking about
6 actions to get to those goals. And, you know --
7 I mean, on education, on law enforcement. I
8 think you're going to have a lot of agreement.

9 The difficult part is going to be paying
10 for it, but you can have an agreement of
11 everybody to come together and basically say, we
12 don't have a lot of money, so how are you going
13 to deal with this as well?

14 MR. AUSTIN: I think that's -- thank you.

15 THE CHAIRMAN: Commissioner Deal.

16 MS. DEAL: Dr. Corrigan, thank you for
17 being here today.

18 And I just -- it's just a comment, not a
19 question.

20 I want to thank you for bringing up the
21 strategic plan because we had discussions back
22 when we were talking about the independent
23 authorities, and we talk about the City being
24 the corporation or the overall entity and the
25 leader as the entity for the independent

1 authorities, but yet I think that something that
2 we are lacking and something that came up during
3 those discussions was indeed the lack of a
4 strategic plan for our City and so --

5 Therefore, giving people a map as to how to
6 lay out their goals, and any private
7 organization -- any large, private organization
8 has strategic -- has a strategic plan, has a
9 five-year vision plan, if not longer than that,
10 and I definitely think that that is something we
11 could do as a city to help -- to help give us
12 some guidance moving forward.

13 DR. CORRIGAN: You know, I agree. And,
14 again, I know different parts of our
15 consolidated government have their own plans.
16 The school board comes to mind, and -- but do we
17 have one plan or at least a process where we're
18 all coming together? And I don't think we have
19 that.

20 THE CHAIRMAN: Commissioners.

21 Commissioner Miller.

22 MS. MILLER: Through the Chair, thank you,
23 Dr. Corrigan, for being here. And I agree with
24 you on this idea of a strategic plan and getting
25 consensus and buy-in from the major players who

1 have a direct and important role on the quality
2 of life in our community and economic
3 development.

4 Would you recommend that that summit take
5 place before we start the budget cycle and sort
6 of -- to set the priorities for the budget?

7 DR. CORRIGAN: Yeah, I think it should, but
8 I -- the budget cycle seems to be going under --
9 undergoing some changes, so, you know, it's a
10 little difficult because it seems like it's
11 always ongoing now or going to be -- try to be
12 ongoing.

13 But, yeah, you don't want it, you know, in
14 June, before -- it should be -- it should be
15 months before so you can, you know, match your
16 fiscal objectives to your policy objectives.

17 MS. MILLER: Do you have any suggestion for
18 ways to create some level of accountability if,
19 for example, there -- somebody chooses, even
20 though there's buy-in, to go in a different
21 direction?

22 DR. CORRIGAN: Yeah, that's a tough one.

23 (Simultaneous speaking.)

24 MS. MILLER: -- (inaudible) the
25 measurements?

1 DR. CORRIGAN: That's a tough one.

2 I think the measurements are in a -- one
3 way of accountability. And, you know, the
4 chairman's question got to this. I mean, do you
5 want -- you don't want to make the independent
6 authorities not independent anymore, but you
7 also want them to have some buy-in to where
8 we're headed.

9 And, again, I know these discussions occur,
10 but they need to be -- it needs to be more open
11 about where we're going.

12 I really have to go back to the budget,
13 that if you give the mayor more enhanced budget
14 authority, you know, at the end of the day,
15 dollars matter. And if you don't go with the
16 strategic plan, then I think you have grounds to
17 make the argument, well, we're not going to
18 include that request in the budget.

19 But I don't want it to be a straitjacket
20 because, obviously, over four years things are
21 going to change and you don't want to mess with
22 the legislative authority of the City Council.

23 THE CHAIRMAN: Mr. Rohan, I have a question
24 that relates to this idea that -- that deals
25 with an issue that Dr. Corrigan raised in his

1 presentation, which is, what is exactly the
2 mayor's veto authority with respect to the
3 budget?

4 I mean, I understand -- my understanding is
5 that Dr. Corrigan is right, the mayor cannot
6 veto the budget in its entirety, but I'd like
7 for the rest of the commission to hear your
8 opinion on that.

9 MR. ROHAN: Thank you, Mr. Chairman,
10 members of the commission.

11 The charter is silent on the power to veto
12 the budget. It does offer the line item veto
13 specifically.

14 The budget laws -- the taxation and budget
15 laws provide a mechanism for establishing a
16 budget. Those laws seem to indicate that the
17 budget must be done and accomplished in a
18 specified formula with specified advertising in
19 specified time frames. It must then come out,
20 after specified public hearings.

21 So if the mayor vetoed the budget, if that
22 were possible -- and it -- and the state law
23 doesn't speak to that because, generally
24 speaking, all county commissions don't have
25 mayors. Once again, we have the special

1 consolidated form of government here.

2 But if the mayor were to veto the budget,
3 then you have a -- how would you have money
4 appropriated? Would you file a new ordinance?
5 Would you -- would it take another six months or
6 three months to get a budget? We're left in
7 doubt.

8 The Office of General Counsel has not
9 opined specifically, has not been asked
10 specifically on that by either the council or
11 the mayor and, therefore, like the
12 Supreme Court, is not kind to look into that
13 matter.

14 Fortunately, the council and the mayor have
15 worked together very favorably and we have
16 arrived at our budgets without the necessity of
17 a veto.

18 So that's the long and short of it. The
19 state law seems to indicate there is one
20 mechanism for establishing a budget, and that is
21 through the July through September process. Our
22 charter provides for a line item veto.

23 Be happy to answer any questions.

24 THE CHAIRMAN: So, conceptually, if we
25 wanted to give the mayor the budgetary authority

1 that Dr. Corrigan is proposing, we would most
2 likely need some state legislative action, even
3 if it were just applicable only to Duval County,
4 to give -- to give the mayor that ability, and
5 then provide a process for what happens if he
6 does veto the budget? Because what I understand
7 you'd be saying is the laws are silent, so we
8 don't know what would happen.

9 MR. ROHAN: That's correct.

10 I'm inclined to think that the budgetary
11 laws of counties and municipalities are governed
12 and subsumed by the state law, but definitely
13 you would need some state legislation in order
14 to give the mayor that power.

15 THE CHAIRMAN: Thank you.

16 Commissioner Catlett.

17 MR. CATLETT: I've forgotten the
18 question.

19 THE CHAIRMAN: Commissioner Austin.

20 MR. AUSTIN: Steve, what is the override on
21 that veto? How many -- two-thirds or just a
22 majority?

23 MR. ROHAN: Dr. Corrigan is correct. The
24 override on a line item veto is majority.

25 MR. AUSTIN: That's good -- that's not a

1 veto at all, is it?

2 MR. ROHAN: Well, it is because once the
3 mayor vetoes it, you have a number of elected
4 officials, council members, who, while they
5 might have voted one way on their own, takes the
6 mayor's veto very seriously and might not be
7 inclined to override the mayor's veto.

8 MR. AUSTIN: Thank you.

9 THE CHAIRMAN: Commissioners, I have nobody
10 else in the queue.

11 MR. CATLETT: (Indicating.)

12 THE CHAIRMAN: Enlightenment. Eureka.

13 MR. CATLETT: Memory returns.

14 When we're talking about having this
15 summit, how soon after the election would you
16 have this summit?

17 DR. CORRIGAN: I think you've got to move
18 with -- I mean, you don't want to do it the next
19 day, but maybe two, three months after.

20 MR. CATLETT: And then how soon after that
21 to develop the strategic plan?

22 DR. CORRIGAN: Again, I think you'd have to
23 have some staff work leading up to the summit or
24 the conference, but, you know, I think you could
25 do it within a month. And if you can't -- if

1 it's going to last a long time, then it's not
2 worth doing because then you're not providing
3 any guidance.

4 MR. CATLETT: Well, it's been my
5 experience, having worked with every mayor since
6 consolidation, that right after an election they
7 are really busy trying to figure out who their
8 staff is going to be. And then once they have a
9 staff, figuring out the staff, trying to figure
10 out what they're doing, and I don't know if you
11 could do that in one month.

12 I could be wrong, but I -- present mayors
13 here and your current employer there, it took
14 them a while to get all their staff in place and
15 to get all the wheels going where they could get
16 some traction. I don't think you could do it in
17 a month, realistically.

18 DR. CORRIGAN: I mean, you can talk about
19 the time. I think the process is more
20 important.

21 MR. CATLETT: I agree with that.

22 THE CHAIRMAN: Any other questions,
23 comments?

24 COMMISSION MEMBERS: (No response.)

25 THE CHAIRMAN: Dr. Corrigan, thank you very

1 much.

2 DR. CORRIGAN: Okay. Thank you.

3 THE CHAIRMAN: We appreciate it.

4 Let's move to public comment.

5 Curtis Lee.

6 (Audience member approaches the podium.)

7 AUDIENCE MEMBER: Thank you very much.

8 My name is Curtis Lee, 7537 Teaticket
9 Court, Jacksonville.

10 I'm a retired lawyer. This is my second
11 speech to the commission.

12 As I've already stated, I'm upset by the
13 rich benefits offered under Jacksonville's three
14 defined benefit pension plans. The combined
15 deficit was over \$1.2 billion last year and it's
16 probably higher now.

17 The high public employee pension benefits
18 costs us three ways. One, higher property
19 taxes. Number two, it drags down property
20 values, especially at the high end. And three,
21 because of depressed property values, property
22 tax revenues turn down necessitating more tax
23 increases. It's a deterrent to new business.

24 I had suggested borrowing new defined
25 benefit plan pension accruals under the

1 City-funded plans after 2013 last time, and the
2 reason why was the current bargaining cycle will
3 at most lead to a three-year agreement. The
4 three years will expire before then. Lesser
5 limits could also be imposed.

6 This is, I believe, legal. I did some
7 research on my own. Mr. Rohan, off the cuff,
8 disagreed with me last time, but the potential
9 savings are in the hundreds of millions of
10 dollars. I believe an outside independent
11 opinion should be sought on this very important
12 issue.

13 Plus, I also had suggested that the cost of
14 proposed laws be computed and publicized before
15 enactment. The 2001 increase in the pension
16 formula for police and firemen alone may have
17 cost the City around a hundred million dollars,
18 yet the ordinance said, quote, fiscal impact
19 undetermined, unquote. To me, that's grotesque
20 and should be outlawed.

21 I now propose two additional charter
22 amendments. The first one, the Police and Fire
23 Pension Fund, the employees contribute 7 percent
24 to benefit costs. That was about \$10.4 million
25 using last year's figures, yet the same

1 evaluation required the City to contribute at
2 least 75 million towards those costs. That's
3 part of the budget in 92.4 million in police and
4 fire benefit expense, which is a 60 percent
5 benefit load, which is outrageous in a business
6 context.

7 At any rate, the City contributes more than
8 seven times what the police and firemen do, yet
9 the board of trustees for the fund has two City
10 people, two union people, namely employee
11 people, and they elect a fifth. Those five
12 elected John Keane, who administers the fund.
13 He's a strong union ally. And the fund cost
14 seven million a year, on top of benefit costs,
15 which is very costly, in my experience.

16 At any rate, the charter should be amended
17 to give the City at least three-quarters of the
18 seats on the board of trustees and thereby
19 effective control of the funds, investments, and
20 operating costs. Those costs mostly impact the
21 City. It's only fair. He who pays the piper
22 should call the tunes.

23 The City picks up more than 86 percent of
24 the tab of the pension plan; therefore, it
25 should have three-quarters of the board.

1 The structure is in the charter; therefore,
2 a charter amendment on this topic is needed and
3 appropriate.

4 THE CHAIRMAN: Thank you, Mr. Lee.

5 MR. LEE: That's it?

6 THE CHAIRMAN: Yes, sir. Your time is up.
7 Thank you.

8 MR. LEE: Thank you.

9 THE CHAIRMAN: David Austell.

10 (Audience member approaches the podium.)

11 THE CHAIRMAN: Name and address, please.

12 AUDIENCE MEMBER: Good morning.

13 I'm Dave Austell. My address is 1480
14 Belvedere Avenue, here in town.

15 THE CHAIRMAN: Please proceed.

16 MR. AUSTELL: Thank you.

17 I was listening essentially the whole time
18 and I'm still drawn by the comments about voting
19 and not voting, and I think it's one of the
20 things that you had brought up, that, gee, I
21 hate to give up a vote. And I think it's kind
22 of important for all of us, if we're talking
23 about any kind of change, that we realize that
24 we are taking away the citizens' right to vote,
25 and democracy is not efficient.

1 I heard Mayor Delaney say, this is about
2 efficiency. Well, if you really want to be
3 efficient, we can do away with a lot of voting.
4 If you really want to be efficient, we can do
5 away with a lot of elections. If you really
6 want to be efficient, we can consolidate a lot
7 of things.

8 And then I hear Mayor Austin say, gee, it's
9 kind of like a corporation; you know, like we
10 have -- the one guy has got to be in charge of
11 this thing, but a corporation also has a legal
12 department that's independent, they have
13 auditors that are independent, and they provide
14 that kind of advice.

15 And then the mayor also suggested --
16 Mayor Delaney suggested that, yes, what if the
17 mayor gave the sheriff some directives and he
18 didn't want to comply? What if the mayor gave
19 the sheriff directives that he shouldn't comply
20 with?

21 So this independence of mayor and sheriff,
22 I think, is critical in a democracy and I think
23 it's critical in terms of our ability to vote.

24 And I know that -- particularly in this
25 time where we've got 4,100 people that have died

1 in defense of this country, that we think about
2 democracy and the ability to vote. And the
3 blood of those patriots have seeped into the
4 soil of this nation, particularly into the soil
5 of this city, and to think about taking away the
6 right to vote scares me a lot, and I would like
7 for you all to consider that on every count
8 before you take any of this to City Council.

9 Thank you very much. Appreciate it.

10 THE CHAIRMAN: Thank you, Mr. Austell.

11 Stanley Scott.

12 (Audience member approaches the podium.)

13 AUDIENCE MEMBER: Stanley Scott.

14 I want to -- you know, I -- I can't believe
15 that a -- I just can't believe all this
16 misinformation up here.

17 Consolidation did not come to -- about
18 because of corruption. Consolidation started in
19 1935. There were 33 years before consolidation
20 was approved.

21 Absolute power corrupt good men and the
22 women. Let's make sure we get that on there.

23 Separation of powers. I agree with the
24 former mayor, Ed Austin, on everything he said
25 concerning that when he was speaking with the

1 sheriff.

2 The sheriff may also put out some
3 misinformation. The gun bounty across the
4 nation -- because I was on the JCCI study --
5 doesn't work.

6 New Town haven't been implemented yet, so I
7 don't know where he get that information.

8 The Safe Street operation with the school,
9 from elementary school to prison, that was the
10 most racist program I ever seen because of the
11 effect of my people.

12 Now, sheriff talking about crime is down.
13 The FBI statistics say crime is down across the
14 country. That's not because of the sheriff.

15 So this misinformation that the sheriff put
16 out, I'm disappointed with that.

17 The number -- there's three major issue
18 [sic] with the voters out there. The number one
19 issue is public trust. Education is second.
20 Safety is really far down in this because if you
21 take care of education, if you make it a mission
22 to educate -- try to educate everybody in this
23 city, safety will go down. It won't be a big
24 effect as it is today.

25 I agree there need to be an independent

1 General Counsel, independent ethics board, and
2 you know my pet peeve is the -- eliminating
3 at-large members.

4 I'm just disappointed with all the
5 information. I mean, I'm not the brightest guy
6 in the world, but I -- you know, I at least read
7 a book here and there. And if you go back and
8 read what consolidation was all about, it was
9 about bringing in the white community back from
10 the suburbs because of city service, not just
11 corruption.

12 But when it come to the sheriff, I agree
13 there need to be a appointed chief of police.
14 You need balance. No matter who you are in
15 life, you need balance. The City need balance.
16 There's a lot of things can be changed. And I
17 don't have three minutes, I just wish -- you
18 know, I just -- sometime I pray that I had the
19 opportunity to speak without a time limit.

20 Thank you, and I shall return.

21 THE CHAIRMAN: Thank you Mr. Scott.

22 Sir, you turned in a speaker card. I don't
23 have it yet, but please come on down if you'd
24 like to speak.

25 (Audience member approaches the podium.)

1 THE CHAIRMAN: Name and address, please.

2 AUDIENCE MEMBER: Good morning to the
3 commission, former Mayor Austin, to those of you
4 who are sitting here for hours and the rest of
5 you here, Youngblood.

6 I wanted to come and seek an opportunity to
7 speak before the commission. Certainly four
8 minutes will not be enough, but I think I'm
9 somewhat uniquely qualified. I'm -- been in the
10 ministry for 27 years. I have -- retired
11 military. I've taught in the school system,
12 worked with the comprehensive strategy board in
13 Duval County, have been a community advocate,
14 civil rights leader, some other things.

15 THE CHAIRMAN: Reverend Gundy, could you
16 just give your name for the record?

17 AUDIENCE MEMBER: Reginald -- Pastor R.L.
18 Gundy.

19 THE CHAIRMAN: Thank you.

20 PASTOR GUNDY: All right. At 2783 Armsdale
21 Road.

22 I'm -- as it relates to the sheriff being
23 appointed or elected right now, I tend to lean
24 toward the appointment of it. And I can't
25 qualify that without having time to speak to

1 you, but one of the things that I want to ask
2 each one of you to do before you do anything
3 else in reference to this board is to read this
4 book entitled Search and Destroy. The book was
5 written by Jerome Miller. It was specifically
6 written about Jacksonville, Florida, Los Angeles
7 and Detroit.

8 I put a -- copies of the excerpts in the --
9 copies of this in the sheriff [sic] hands when
10 he became the elected official and shared with
11 him at that particular time, as the arrest rate
12 goes down -- crime rate goes down, typically
13 arrest rate goes up because you want to build a
14 new jail. That's one reason how the jail got
15 built.

16 The federal government sent in Jerome
17 Miller to do the research here in Jacksonville
18 back in the 1990s and '91. That's very
19 important to this commission, to read this.

20 Now, I have read the charter, and I wish I
21 had time to go into the detail things that I've
22 looked into this charter with in reference to
23 what you're doing.

24 I have been wanting this commission to meet
25 now for years because this is very important,

1 and what you are going to do and the decisions
2 you make are going to impact people [sic] lives
3 for the next hundred years, my children, my
4 grandchildren, my great grandchildren as it
5 relates to trying to do that which is right
6 before God, because we have a great country, we
7 have a great form of government, but we have no
8 accountability in Jacksonville.

9 We don't have a chain of command in
10 Jacksonville. And when the chain of command is
11 split, such as the way it's split between the
12 sheriff and the mayor right now and some of
13 these other commissions, these are some of the
14 reasons why you get some of the corruption, have
15 so much discourse, have so many problems as it
16 relates to what's really going on.

17 I know I don't have time now, but I am
18 asking someone to allow me to come and speak to
19 the commission, bring forth some questions to
20 you and speak with you about some things.

21 God bless you and thank you.

22 THE CHAIRMAN: Thank you, Reverend Gundy.

23 Mr. Clements is going to give you my card.

24 If you can just give me a call.

25 REVEREND GUNDY: Thank you.

1 THE CHAIRMAN: Thank you.

2 REVEREND GUNDY: Appreciate it.

3 THE CHAIRMAN: I have no other speaker
4 cards. Is there anybody else who would like to
5 speak?

6 AUDIENCE MEMBERS: (No response.)

7 THE CHAIRMAN: Commissioners, we do have a
8 few minutes left. Any other items for
9 discussion, comment, issues?

10 Commissioner Miller.

11 MS. MILLER: To the Chair and the
12 commission, I would like to recommend that we
13 invite, time permitting, one of the speakers
14 that John Delaney recommended, Peter Rummell,
15 Preston Haskell, Lynn Pappas, and I believe
16 there's one more, one or all of them to speak on
17 the benefits, the analysis, the idea of an
18 appointed school board and their perspective as
19 private business owners and significant
20 community trustees in Jacksonville.

21 THE CHAIRMAN: Thank you, Commissioner
22 Miller.

23 I have already spoken with Ms. Pappas. She
24 gave me the name of another woman, who's with
25 former Governor Bush's Education Foundation in

1 Miami, as a better speaker. That's who she
2 recommends we contact.

3 And now that I have confirmation from the
4 council president that we have some money to pay
5 people to come in from out of town, I will be
6 contacting that woman in the hopes that she will
7 come speak to us, but I will absolutely contact
8 the other three as well.

9 MS. MILLER: Through the Chair, if that is
10 the case, then I would also like to ask that we
11 invite someone from the state commission on
12 ethics to come and speak about the role of the
13 state commission on ethics and the laws that --
14 when we take up that issue, if we -- if that is
15 an issue that we take up, and have someone from
16 the State Ethics Commission discuss the role of
17 the State Ethics Commission, its procedures, its
18 authority on local government because I think we
19 need to clarify that, and
20 I -- and there's an extraordinary staff at the
21 commission on ethics, so I think -- we want to
22 make sure that when we tackle it, we're not
23 duplicating anything that we are -- if we tackle
24 it and make recommendations, that would be in
25 addition to or to supplement an already very

1 independent existing authority.

2 THE CHAIRMAN: I think that's a great idea.

3 Would you be willing to find out who at the
4 state ethics office would be the --

5 MS. MILLER: Yes.

6 THE CHAIRMAN: -- person to come talk to
7 us?

8 Thank you very much.

9 Commissioner Youngblood.

10 MR. YOUNGBLOOD: Mr. Chairman, I know you
11 spoke earlier on a retired chief of police. Do
12 we have him slated to come and speak, and have
13 we found any others that would be willing to, I
14 guess, put their neck out there if they're truly
15 in an appointed position currently?

16 THE CHAIRMAN: Sheriff Demmings that
17 Sheriff Rutherford referenced -- James Brunet,
18 who has been attending most of our meetings,
19 who's the sheriff's legal advisor, has offered
20 to coordinate Sheriff Demmings attendance at our
21 next meeting.

22 So my information from Mr. Brunet is that
23 Sheriff Demmings will be here at our next
24 meeting to talk to us on that issue.

25 And this is a good time to talk about who

1 else we will be hearing from at the next
2 meeting. I've spoken with Superintendent
3 Pratt-Dannals. He will attend to talk about the
4 education issues, and Chair Brenda
5 Priestly-Jackson of the school board, so those
6 will be -- as of today, those are the three
7 speakers that we have scheduled for next week.

8 MR. YOUNGBLOOD: Thank you.

9 MR. AUSTIN: (Inaudible.)

10 THE CHAIRMAN: That will be later.

11 I've also scheduled already a gentleman by
12 the name of Whitney Tilson, who is one of the
13 founders of the KIPP schools nationwide, charter
14 school movement, and he will be speaking to us
15 January 14th.

16 Commissioner Youngblood, did you have
17 any --

18 MR. YOUNGBLOOD: No. Thank you.

19 THE CHAIRMAN: Okay. Commissioner
20 Catlett.

21 MR. CATLETT: Mr. Chairman, I would ask our
22 General Counsel representative to assist in
23 developing a schedule of staggered terms that
24 would solve my perpetual problem with having a
25 fruit basket turnover with the council. He's

1 come up with a couple of scenarios, and at some
2 point I'd like to have some time on the agenda
3 to go over those and mull over which one of
4 those we might want to recommend or neither or a
5 third alternative.

6 THE CHAIRMAN: I think that's a great
7 idea. Would you, in essence, like to be the
8 speaker for that topic?

9 MR. CATLETT: I have no problem with that.

10 THE CHAIRMAN: Okay.

11 MR. CATLETT: But I just want to ask that
12 it be put on an agenda in the future.

13 THE CHAIRMAN: How about January 7th?

14 MR. CATLETT: That sounds like a good day
15 to me.

16 THE CHAIRMAN: Okay.

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

18 You run a good meeting.

19 THE CHAIRMAN: I have nobody else in the
20 queue -- Commissioner Flowers.

21 MR. FLOWERS: (Inaudible.)

22 THE CHAIRMAN: Commissioner Flowers, I need
23 you to use to the microphone for the court
24 reporter.

25 MR. FLOWERS: At some point, I would like

1 for us to explore the consortium concept of City
2 and school board together because if we are
3 finding it difficult in bringing the education
4 together by having the elected school board
5 members, then what mechanism will be pursued if
6 the school board members sustain their elected
7 positions? And that's why the community school
8 consortium concept may be a good (inaudible),
9 so --

10 I asked Dr. Stan Jordan if he would come
11 before us to tell us how it was in 1975, to give
12 us an alternative if we don't because we have to
13 get the resources for the children, particularly
14 in my community, a -- (inaudible) by so many
15 different agencies that we don't really make an
16 impact on the child achievement.

17 And, of course, this is a national problem,
18 but still, if we had somebody totally
19 responsible for all the disbursement of these
20 funds and -- that impact education, we'd change
21 behavior, then we would be on the right step.

22 So if we could at least ask him. I have
23 some other professors, but he lived the problem
24 and it was successful in 1975.

25 THE CHAIRMAN: To Commissioner Flowers, you

1 think Mr. Jordan is the most qualified to
2 address the issue?

3 MR. FLOWERS: I think he's qualified to
4 give you someone else.

5 See, this is a national problem that was
6 started by the (inaudible) foundation. And, of
7 course, Flint, Michigan, has found economic
8 problems in everything on down.

9 But in the meantime, there are other
10 professionals that we could get if you don't --
11 but it -- the concept of putting education under
12 the government and the school system together,
13 then you would have that appointed board under
14 there to -- particularly over those charter
15 schools, but the charter schools must have a
16 100 percent incorporation of the whole child,
17 the family.

18 THE CHAIRMAN: Okay. Can you and I discuss
19 offline some good speakers for that --

20 MR. FLOWERS: Yes, sir.

21 THE CHAIRMAN: -- just in the interest of
22 time today?

23 MR. FLOWERS: Yes.

24 THE CHAIRMAN: Okay. Thank you.

25 Commissioner Miller.

1 MS. MILLER: Just to clarify, Mr. Chairman,
2 that our -- our next meeting is our last meeting
3 of 2009?

4 THE CHAIRMAN: That's correct.

5 THE CHAIRMAN: Commissioner Catlett.

6 MR. CATLETT: I just need to ask a
7 procedural question.

8 So if we make a recommendation that
9 something go on the ballot, to make a change of
10 some sort, and the elections of constitutional
11 or school board or whatever, that recommendation
12 would be on the 2011 ballot; is that correct?

13 THE CHAIRMAN: Well, I think the first
14 answer would be, the council would decide
15 that --

16 MR. CATLETT: Absolutely.

17 THE CHAIRMAN: -- as a threshold question,
18 but I see Mr. Rohan back there shaking his head.

19 MR. ROHAN: All recommendations you make go
20 to the City Council and also to the entire
21 public, the legislature. And so just because
22 you pass it, doesn't get it on any ballot, but
23 City Council approval or legislative approval
24 can alter that.

25 MR. CATLETT: Well, that -- that's to the

1 second part.

2 Assuming that the City Council wanted to
3 make some change and it was on the 2011 ballot,
4 then the earliest it would be implemented would
5 be, what, 2015? You couldn't implement it in
6 2011 if you were getting it on the ballot in
7 2011.

8 THE CHAIRMAN: Unless it were on the 2010
9 ballot, the November ballot.

10 MR. CATLETT: Okay. That was my question.

11 THE CHAIRMAN: Okay. Other questions,
12 comments?

13 COMMISSION MEMBERS: (No response.)

14 THE CHAIRMAN: All right. Thank you very
15 much.

16 We're adjourned.

17 (The above proceedings were adjourned at
18 12:05 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 15th day of December, 2009.

Diane M. Tropa