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CITY OF JACKSONVILLE
CHARTER REVISION COMMISSION
MEETING

Proceedings held on Thursday, February 4,
2010, 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.
- MARY O'BRIEN, Vice Chair.
- ED AUSTIN, Commission Member.
- JIM CATLETT, Commission Member.
- WILLIAM CATLIN, Commission Member.
- JESSICA DEAL, Commission Member.
- TERESA EICHNER, Commission Member.
- ROBERT FLOWERS, SR., Commission Member.
- BEVERLY GARVIN, Commission Member.
- MECHELLE HERRINGTON, Commission Member.
- ALI KORMAN, Commission Member.
- JEANNE MILLER, Commission Member.
- GARY OLIVERAS, Commission Member.
- CURTIS THOMPSON, Commission Member.
- GEOFF YOUNGBLOOD, Commission Member.

ALSO PRESENT:

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

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1 P R O C E E D I N G S
2 February 4, 2010 9:00 a.m.

3 - - -

4 THE CHAIRMAN: Good morning.
5 How is everybody doing this morning?
6 Good.
7 Let's begin with our roll call.
8 I know Commissioner Thompson is here.

9 MR. OLIVERAS: Gary Oliveras.

10 MS. KORMAN: Ali Korman.

11 MR. FLOWERS: Robert Flowers.

12 MS. EICHNER: Teresa Eichner.

13 THE CHAIRMAN: Wyman Duggan.

14 MR. CATLIN: Billy Catlin.

15 MS. GARVIN: Beverly Garvin.

16 MS. MILLER: Jeanne Miller.

17 MR. YOUNGBLOOD: Geoff Youngblood.

18 THE CHAIRMAN: Thank you.

19 I know also that Vice Chair O'Brien is
20 en route from Georgia and she will be arriving
21 during the meeting, so she's on the way.

22 And I see Commissioner Austin entering the
23 chambers.

24 As a reminder to commissioners and audience
25 members, please set all your electronic devices

1 to silent or vibrate, and we will begin with the
2 Pledge of Allegiance and a moment of silence.

3 (Recitation of the Pledge of Allegiance.)

4 THE CHAIRMAN: Thank you.

5 Good morning, Mr. Clements.

6 MR. CLEMENTS: Good morning, sir.

7 THE CHAIRMAN: Would you take us through
8 the items at our places?

9 MR. CLEMENTS: Yes, sir.

10 You have pretty much the usual assortment
11 of things in your packet today. You have the
12 agenda, a memo that was handed out by Steve
13 Rohan to Commissioner Miller regarding who was
14 covered by what parts of the Florida Ethics
15 Commission.

16 You have a copy of the slides from the
17 PowerPoint presentation that Tim Ballentine is
18 going to be making this morning, various
19 correspondence that has come in to you either in
20 the form of e-mail to Charter Revision at
21 coj.net or that is addressed to me on your
22 behalf or that has come in the old-fashioned
23 U.S. Postal way. All of those are there.

24 You have an article from the Jacksonville
25 Business Journal that Commissioner Miller asked

1 be distributed to everyone.

2 You have an article from the Kansas City
3 Tribune about our first guest speaker,
4 Dr. Eddy.

5 Let's see. I believe that covers it, as
6 well as the transcript from your meeting last
7 week.

8 THE CHAIRMAN: Thank you very much.

9 Mr. Clements, would you do me a favor?
10 Give Mr. Eddy a copy of that. He's in the front
11 row in the seat.

12 MR. CLEMENTS: (Complies.)

13 THE CHAIRMAN: Thank you.

14 Commissioner Youngblood, would you like to
15 address the Commission on the issue of the
16 photograph?

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

18 I thought it would be a good idea, as many
19 of you have signed the book, The Quiet
20 Revolution, I thought it was a good idea for
21 historical purposes to get a photograph
22 collectively that we would all be present,
23 something that we could all keep as a memento of
24 the event and of the historical event.

25 And if those within the media, if they

1 would help us with that, I would greatly
2 appreciate it, a picture of the total group, so
3 that we don't have to hire a photographer to
4 come and do that. I'd appreciate it.

5 Thank you, Mr. Chairman.

6 THE CHAIRMAN: Thank you, Commissioner
7 Youngblood.

8 I think that's an outstanding idea. I
9 would -- if everybody shows up today, perhaps we
10 can take it after our meeting today. I know
11 Commissioner Deal has already told me that she
12 has a conflict on the -- on our last meeting on
13 the 25th. So one of our next few meetings,
14 hopefully at some point everybody will attend
15 and we can get that photograph taken.

16 I will ask Mr. Clements to include that in
17 his reminder e-mails leading up to our
18 meetings.

19 And just as a roadmap for today, you have
20 the agenda. It's my intention after we hear
21 from our speakers to move back on to the ethics
22 issue. As you recall at our last meetings,
23 we've touched on that, but then, because of time
24 constraints, haven't really been able to delve
25 into that, and so we will be doing that today,

1 and on the 11th as well, if necessary. I don't
2 anticipate today will be the final action on
3 ethics, but I just want everybody to understand
4 where we're planning to go.

5 Without further ado, I will ask Mr. Eddy to
6 come to the podium.

7 Commissioners, Mr. Eddy is a retired
8 university professor, dean, and consultant.
9 From 1986 to 1999, he was dean at the Henry W.
10 Bloch School of Business and Public
11 Administration at the University of Missouri,
12 Kansas City. Prior to that time, he held
13 positions as Professor and Director of Public
14 Administration at UMJC, and Associate Director
15 of the Federal Executive Institute in
16 Charlottesville, Virginia. From 1999 to 2001,
17 he served as assistant to the chancellor,
18 interim provost and interim director of the
19 Center for the City at the University of
20 Missouri, Kansas City.

21 He holds B.S. and M.S. degrees from Kansas
22 State and a Ph.D. in Organizational Psychology
23 from Michigan State. He's a fellow of the
24 American Psychological Association and was a
25 licensed psychologist until retirement. He has

1 written or edited seven books and 30 journal
2 articles in the field of applied psychology and
3 organizational development. He's a former
4 member of the Kansas City, Missouri Board of
5 Education and was Chair of its Education
6 Committee.

7 Welcome, Mr. Eddy.

8 I will ask you to give your name and
9 address for the record, and then our court
10 reporter will swear you in and then you can
11 begin your presentation.

12 Thank you.

13 DR. EDDY: My name's William Eddy. I live
14 at 611 East 54th Street in Kansas City,
15 Missouri.

16 THE REPORTER: Would you raise your right
17 hand for me, please.

18 DR. EDDY: (Complies.)

19 THE REPORTER: Do you affirm that the
20 testimony you're about to give is the truth, the
21 whole truth, and nothing but the truth so help
22 you God?

23 DR. EDDY: I do.

24 THE REPORTER: Thank you.

25 DR. EDDY: Good morning, ladies and

1 gentlemen.

2 COMMISSION MEMBERS: Good morning.

3 DR. EDDY: Thank you for inviting me to
4 your very pretty city. I'm glad to be here. I
5 was on the air- -- I came from Kansas City where
6 it was chilly, but I was in the limo coming in
7 from the airport with a guy from Michigan who
8 said it was 10 below when he left Michigan
9 yesterday morning. So I'm definitely glad to be
10 here and be able to walk from the hotel to
11 City Hall. So it's a nice place to be where I
12 come from. I'm glad to be here.

13 I appreciate being invited, and I will tell
14 you a little bit about where I come from in
15 terms of some of my ideas and thoughts and so
16 forth and how I got there. And in some ways,
17 it's a story about the radicalization of -- if
18 there is such a word -- of Bill Eddy.

19 As your chairman said, I'm a former
20 university dean and consultant and never been a
21 very radical guy, but after I retired I was
22 talked into running for the school board by a
23 friend of mine -- at least I thought he was my
24 friend at that point -- who had been a corporate
25 officer and wanted to retire and -- but I did,

1 and I was on the school board of this very
2 troubled urban school district for four years.
3 And after a good deal of soul-searching for
4 various reasons that I'll talk about, I decided
5 not to run again but to get off the board and to
6 try to work on change from the outside. And it
7 was an interesting project for me because one of
8 the areas that I had worked on when I was a
9 professor and a consultant was organizational
10 change: how do you change organizations, how do
11 you renew systems, and so forth. So it was just
12 kind of an interesting project.

13 When I was on the board, I guess I was kind
14 of naive when I started. I had been immersed in
15 university affairs which themselves were
16 problematic enough, but I began to notice some
17 things when I served on the school board, and I
18 don't know whether any of these will resonate
19 with you or not, but these are just examples of
20 how I got where I got.

21 One of the things that I noticed was as the
22 board met -- and we met twice a month and
23 committees met and other kinds of systems met --
24 that we almost never talked about the kids. We
25 talked about contracts and we talked about

1 budgets and we talked about -- I remember we
2 spent a lot of time talking about whether or not
3 to name a gym floor after some person who was a
4 graduate of that high school and had gone on to
5 some fame, and it seemed to me that -- I suppose
6 that was important to a small number of people,
7 but really wasn't quite why we were there.

8 I saw us spending a huge amount of money on
9 very expensive educational packages that these
10 educational brokers were coming around and
11 selling, and selling almost as panaceas. And I
12 kept wondering, well, where's the data that
13 backs up the effectiveness of these systems?

14 I got a call one day from some women who
15 are members of an organization in Kansas City
16 called the Front Porch Alliance, and it's an
17 organization of volunteers who tutor kids in the
18 urban core of Kansas City. And these women
19 wanted to know if I would have coffee with them
20 and sit down, and I did. And they said, We are
21 very, very disturbed. They said, We're working
22 with these young women and we're helping them as
23 best we can to get through school and graduate,
24 and a lot of them graduate, and it turns out
25 that even though they've earned As and Bs in

1 school, they -- in high school -- they can't get
2 into -- they can't even get into the community
3 college without taking a number of remedial
4 courses. And the same way with universities.
5 They can't even get into the state university
6 system. And they're very concerned about it.
7 They're -- you know, it mystifies them. It
8 upsets them. They say, We did what the teachers
9 asked us to do. We did what it took to get As
10 and Bs, and here we are. What's happened?
11 What's wrong -- where is the disconnect between
12 what we were asked to do and what the real world
13 is telling us?

14 So the more I had experiences like this,
15 the more concerned I got. The president of the
16 local community college came to the board
17 meeting and showed us data which indicated that
18 a very high percentage of the graduates of the
19 Kansas City school system couldn't get into
20 beginning courses in math and English and so
21 forth in the community college without taking
22 one or sometimes two remedial courses. So here
23 are the graduates from the public school system
24 who can't qualify, who can't get the -- who
25 can't cut the mustard in the community college,

1 which does not have the highest standards in the
2 state of Missouri.

3 So those things began to weigh pretty
4 heavily on my mind. And one of the things that
5 was kind of the clincher was after the president
6 of this community college had made his
7 presentation to us, one of the board members
8 said -- in terms of all the problems with the
9 achievement of the kids -- said, "Gee, I didn't
10 know that." And so -- and this was a guy who
11 was in his second term. So, how could somebody
12 sit on this board for -- by that time, I suppose
13 six years -- and not understand what was going
14 on or what wasn't going on?

15 So, as I said, I decided to work from the
16 outside. And I'll talk to you in a minute about
17 what we've done and what might be interesting to
18 you, useful to you and so forth, but I think the
19 way I've looked at it, the beginning point for
20 these kinds of discussions is to look at the
21 discrepancy between what is and what should be
22 or what could be. Do we have a significant
23 discrepancy between what we ought to have in our
24 school system and what is actually going on?

25 And there are a lot of data available to help us

1 understand those kinds of things, and I'll talk
2 about some of them in a minute, And then --
3 that's the beginning point.

4 The first decision, then, it seems to me,
5 is if we look at those discrepancies and decide
6 that they're not satisfactory to us, if they're
7 not fair to the kids in the school district,
8 then the question is, do we want to undertake
9 change or do we want to just let things go on
10 like they have been going on and hope in some
11 way that, you know, the phases of the moon will
12 change, somebody will put something in the
13 drinking water, whatever, and the schools will
14 begin to improve without our having to do
15 anything in our -- meaning this in my case --
16 the citizens of the community; this community or
17 Kansas City or wherever.

18 And then if we decide we want to undertake
19 to change the system, then the second decision I
20 think is whether we want to undertake slow,
21 businesslike, incremental change or whether we
22 want to try to work for a turnaround.

23 And one of the analogies, of course -- and
24 there are many of them around these days -- but
25 one of the analogies, of course, is an

1 organization like General Motors where for years
2 there was an abundance of information that
3 things weren't going well with good ol' GM after
4 all these many decades, and things needed to
5 change but they didn't change. And so finally
6 the organization hits a crisis point, and it
7 turns out that probably the only way to really
8 make a difference and save that organization is
9 to undertake a pretty drastic turnaround, which
10 means basically changing the organization from
11 the top, changing the governance system, and
12 therefore beginning to change the culture.

13 So that's sort of the first choice point.
14 And I think in order to make that decision, you
15 know, one needs to talk about what's -- before
16 we decide whether to be incremental or whether
17 really to undertake a turnaround, what are the
18 problems? What is it we're trying to deal
19 with? What are the issues that need to be
20 resolved? And so are they things like
21 weaknesses in the management system, poor
22 communications, ineffective professional
23 development, lack of clear strategies and goals,
24 and so forth?

25 If those are the problems and the only

1 problems, then I think an incremental approach
2 may work. You invite in a management consultant
3 and you have -- you do reports and you have
4 somebody do a strategic plan, and you say, We
5 need to shift the resources, some of them, from
6 here to here and so forth, and you may be able
7 to get some improvement in the organization, in
8 my experience.

9 Or are the problems and issues what I would
10 call cultural and political; that is, are there
11 low expectations in the organization, low
12 expectations for the people who work there, low
13 expectations in the case of public education for
14 the students, and so forth. Is there a lack of
15 accountability? Are people not really being
16 held accountable for what it is they need to do
17 to make the kind of contribution to the
18 organization that it would take to educate the
19 kids? Is motivation poor? Is the place shot
20 through with vested interests? Is there what I
21 used to call goal displacement when I was a
22 management prof? And by "goal displacement," I
23 meant people sort of in a sense taking their eye
24 off the ball or following the wrong goals. And
25 so does the goal -- does the goal get sort of

1 switched from the kids and their achievement and
2 their careers and their lives to, How do I build
3 up this department of mine and get more
4 employees into the department and so forth and
5 so forth. Well, in those kind of cases, it's my
6 thesis that incremental change is very unlikely
7 to work and it's going to take a more major
8 turnaround effort.

9 But let me talk first about some of the
10 rational consultation problem-solving approaches
11 that I mentioned first because if you all -- and
12 I know you're in the process of trying to decide
13 what you want to do about the schools in
14 Jacksonville. If you decide even if you want to
15 undertake more dramatic change, what will be
16 strongly recommended to you, I would guess,
17 based on my experience from all over town and
18 all over the state, will be the slower, safer,
19 more incremental change. And maybe that's where
20 you have to start. I don't know. I don't know
21 your community well enough to know that. But
22 one of the things that we did in Kansas City
23 when I was on the board, which I thought was a
24 starting point -- it didn't solve the problem
25 ultimately, but I think it helped move us along

1 in the problem -- there's an organization called
2 the Council of the Great City Schools. And I
3 don't know whether any of you have had anything
4 to do with the Council of the Great City
5 Schools. It's a coalition of the 66 large urban
6 school districts in the country, and the
7 Jacksonville system -- Duval County system -- is
8 a member of the Council of the Great City
9 Schools. It's a good organization. They have a
10 good staff. And they have a process -- they
11 have a peer audit and consultation process in
12 which they will bring into a community -- they
13 brought into our community, into our school
14 system, some of the good people from the various
15 subspecialties within public education from
16 around the country in their member schools, and
17 they sort of hit us like storm troopers and they
18 did an audit of the whole situation, and wrote
19 us like a 90-page report on, Here's how we see
20 what's going on in your organization.

21 So they brought in two or three top
22 professionals from other successful districts
23 around the country; human resources, and the
24 same in finance, the same in instruction, and so
25 forth and so forth.

1 And that's certainly one approach, and
2 maybe a starting point -- I don't know -- but
3 the report that we got was not all that
4 heartwarming and favorable. They said, You've
5 got a lot of problems, the problems start with
6 the school board, and outlined what needed to be
7 done in a whole bunch of areas.

8 Well, it was -- I think it was worthwhile,
9 but it was one of those many, many reports we
10 hear about that sat on the shelves then. People
11 said, Well, that's really important. It's good
12 stuff. We need to get at it. We had hired a
13 new superintendent. He had committed himself to
14 working on the plan. Basically, very little
15 happened. And it wasn't due to anybody's
16 negligence exactly. It was just the system was
17 so rigged that it couldn't handle the kinds of
18 changes, and in some ways kind of confronted
19 decisions that had to be made and so things
20 drifted along.

21 A group in town, who was opposing any kind
22 of a major change in the system because they had
23 a lot of vested interest in the system, brought
24 in an outside group called the Aspen Group
25 International, a leadership development

1 company. And these people have an elaborate
2 training and development program for boards
3 of -- boards of school boards and upper-level
4 management in governance and leadership and
5 policy and administration and so forth. And
6 they didn't get the job, but they were
7 recommending basically the same thing.

8 Then, you know, you get -- there must be
9 500 articles that have come out in the last few
10 years on what's wrong with school systems and
11 how do you fix them and what are the management
12 aspects. Well, just one example is an article I
13 happen to have in my file about how to manage
14 urban school districts -- it came out in the
15 Harvard Business Review. But again, it's
16 looking at change in the school systems as if
17 they were companies, and there are a lot of
18 differences, of course; political mentions and
19 so forth and so forth.

20 And then there are all these
21 recommendations, and I subscribe to three, I
22 think, online educational journals, and they're
23 full of studies and stories about here's what
24 made the school district in Little Rock,
25 Arkansas successful, and they talk about what

1 happened there, and then if you just do that,
2 your school district will be successful.

3 In writings, there's a management professor
4 at UCLA whose name is William Ouchi -- I think
5 he pronounces it -- O-u-c-h-i -- and his thing
6 is Power to Principals and Decentralization;
7 that the good schools he studied, the principals
8 have a lot of power, a lot of autonomy, the
9 school systems are highly decentralized. Well,
10 that's fine, except how do you -- how do you, in
11 the first place, create a system that will
12 enable those kinds of things to happen? So
13 that's not the starting point.

14 So the advantages of this more rational,
15 consulting, problem-solving approach are clearly
16 that they're less threatening to the status quo,
17 they're easier to understand, they follow more
18 the normal practices of what goes on in
19 organizations every day. And so I'm just
20 telling you that if you decide to try to make
21 some major changes, you'll be favored with lots
22 of people coming forth with recommendations:
23 And let's don't get too excited about this,
24 let's don't push too much, let's just do some of
25 these -- I like to say studies and reports and

1 strategic plans and so forth -- and maybe things
2 will be all right. So -- but I don't know about
3 your system. In our system, that's been going
4 on for 40 years and things ain't all right; you
5 know, they're just not.

6 The turnaround or reinvention approach has
7 got to do with changing the governance and the
8 power structure, but the assumption that change
9 has to start from the top; the culture, people's
10 attitudes, the level of motivation, their work
11 ethics, and all of those kinds of things start
12 at the top. Board members, school board
13 members, are role models for the rest of the
14 system, and they influence the top echelons in
15 the organization and then the influence works
16 its way down. And so that's a set of choices
17 that you have to make.

18 As Mr. Duggan mentioned, I used to do
19 management consulting as well as teaching, and I
20 got to the point where I could be in an
21 organization not very long and begin to get some
22 sense of the culture or the environment or
23 whatever term you want to use. And if you go --
24 and I'm sure you have the same experiences -- if
25 you go into some organizations and people are

1 lively, there seems to be sort of a focus on
2 moving forward, what we're trying to do. Often
3 there's an emphasis on data and feedback. We
4 know what's going on. We want to try to improve
5 things and so forth. And you go in other
6 organizations and they're sort of dead from the
7 neck up and people are shuffling around and
8 there's a lot of resentment and things happen --
9 like in a meeting, you ask, Well, does anybody
10 have any problems with this idea? They say, No,
11 it's just fine. And then after the meeting, you
12 see people gathered together in little subgroups
13 of two and three shaking their heads and
14 gossiping and so forth, talking about concerns
15 they had that they wouldn't bring up in the
16 meeting. So if that's what needs to be done,
17 then you have another set of issues to deal
18 with. And those are some of the same issues
19 that your speaker last week, whose presentation
20 I was favored to watch over on my computer and I
21 was very impressed with it, those are the kinds
22 of things she was talking about.

23 In some ways, in a very sort of ironic way,
24 their job was made easier by Katrina, of
25 course. They had to rebuild that school system

1 anyway, and so they could start more or less
2 from scratch. And there wasn't hardly any doubt
3 left in the city of New Orleans that we needed
4 to do something pretty drastic about the school
5 system.

6 So in terms of these kinds of turnaround
7 strategies, again there's kind of a -- there's
8 kind of a progression of approaches, and some of
9 them are safer and closer to the more
10 traditional change approaches in terms of
11 staying within the system.

12 One is, of course, to influence elections.
13 In some communities -- and it's been tried in my
14 community -- some group emerges -- assuming the
15 elections are nonpartisan. If it's a partisan
16 election, it's a different set of dynamics.
17 Assume they are, as they are in most cities,
18 nonpartisan. And some citizen group arises up
19 and raises money, backs candidates, and tries to
20 bring about change by changing the faces on the
21 school board. And again, of course, that may
22 work. And there are related strategies such as
23 instituting term limits or giving a heavier
24 voice to citizen advisory groups and other
25 groups in the community that have something to

1 say about the way the school system operates.

2 And that may work.

3 The problem, of course, with elections is
4 it takes a long time because by the time you get
5 one group of people elected, then another
6 election has come along and some people have
7 forgotten what the issues are and so forth. But
8 that's certainly again an approach that will
9 be -- if you decide to make some changes -- will
10 be presented to you and you have to decide
11 whether that's going to do the job or not.

12 Probably the most common strategy, and one
13 that hardly anybody likes, is state takeover.
14 It has happened around the country quite a bit.
15 Often it's on a temporary basis. Often it's
16 because of a big budget discrepancy or
17 inaudible. And so the school board's taken
18 over, a district's taken over, for a year or two
19 and accountants are sent in, the budget's
20 straightened out and so forth, and then it goes
21 back to the local organization.

22 The variance of that, or strategies that
23 accompany that, are things like the education
24 czar where the state appoints almost a receiver
25 who will look after the school board, a

1 governing body appointed by the governor and/or
2 by the state school board.

3 That happened in St. Louis, our sister city
4 across the state. Well, lots and lots of
5 problems. The state -- the statutes in Missouri
6 happen to require the state to take over if
7 there's a budget deficit of such and such a
8 magnitude based on the overall budget, and so
9 they didn't have a whole lot of choice, but it
10 hasn't gone well. It's beginning to straighten
11 out, but it hasn't gone well. And it didn't go
12 well partly because, of course, the people
13 didn't want to be taken over -- the people who
14 felt like they owned the school district -- and
15 there was very little participation on the part
16 of the community in how it was done and so forth
17 and so forth. So that's the problem with that
18 approach.

19 There are examples of mayors simply taking
20 a stronger role, using kind of a bully pulpit,
21 to spend more time talking about the school
22 system, pressuring members of the school board
23 and so forth, championing school improvement.

24 And then finally there's the approach
25 that's in vogue these days, and it's

1 experiencing some significant success around the
2 country, and that's situations in which you have
3 an appointed school board, where the elected
4 school board is moved out and a board is
5 appointed by somebody -- usually the mayor, but
6 sometimes the mayor in conjunction with state
7 officials, county officials, or sometimes a
8 mixed bag in which the mayor appoints some of
9 the board members and others are elected; all
10 kinds of combinations.

11 So -- and I don't know how much of all this
12 you know and how much of it I'm -- ground I'm
13 re-covering -- but school systems in New York
14 City, Chicago, Boston, Cleveland, Washington,
15 D.C., Providence, New Haven, and Harrisburg now
16 have appointed boards. And I have all this
17 information in an outline that I'll leave with
18 you, by the way. Boston and Philadelphia are
19 jointly governed by the mayor and the governor.
20 And then mayors and mayoral candidates in
21 Milwaukee, Dallas, Houston, Memphis, Seattle,
22 St. Paul, Rockford, Illinois, Nashville, and
23 Detroit have endorsed the concept of mayoral
24 control as these people are running for office
25 or whatever.

1 And as I mentioned, there are various
2 approaches about how you get there. In some
3 cities, you have to have a change in the state
4 legislation; okay, state statutes. In some
5 states, there has to be a city referendum. In
6 other states or situations, the mayor has the
7 authority to appoint the board members. And
8 Mayor Daley, for example, went to the
9 legislature in Illinois and got the authority to
10 appoint the school board and throw out the old
11 board.

12 In Kansas City, for several reasons that
13 are unique to our community, having the mayor
14 appoint the board won't work. The school
15 boundaries and the city boundaries are not
16 coterminous and there are a number of other
17 problems, including the fact that the mayor is
18 unpopular. So my group has recommended an
19 approach that's never been tried before, which
20 is that we would have a panel of local
21 leaders -- respected local leaders -- who would
22 be named at a time recommended to the state
23 school board -- a group of new school board
24 members, and the state would pick five out of
25 the ten or whatever.

1 We almost got that through the state
2 legislature last -- a year ago last May -- and a
3 powerful state senator who represents those
4 people who are most invested in the status quo
5 situation in Kansas City blocked the legislation
6 by threatening to filibuster until the session
7 ended. And -- but we weren't too surprised. We
8 had been advised that it would probably take
9 three years in our situation for that kind of
10 change to go through the legislature. So we're
11 back again this year. We have raised more money
12 for lobbyists and we're trying again.

13 The most complete and rigorous analysis of
14 the impacted mayoral control of mayor-appointed
15 boards is done by a researcher at Brown
16 University and his colleagues, and his name is
17 Kenneth Wong, W-o-n-g. And his earlier results
18 are reported in a book called The Education
19 Mayor: Improving America's Schools. They
20 studied 104 big city school districts, over
21 forty states, and thousands of schools. And to
22 summarize all of this material, a lot of which
23 is highly statistical and so forth, they found
24 that over a five-year period, cities with
25 appointed boards performed significantly better

1 on four critical areas of district performance;
2 what they call productivity, which is student
3 achievement; management and governance secondly,
4 which has to do with fiscal and organizational
5 operations, the inside nuts-and-bolts; human
6 capital, they refer to a third category, which
7 is utilization of the human resources:
8 teachers, leadership, capacity and so forth;
9 and finally, and I have always thought,
10 interestingly, public confidence. The
11 confidence of the public and their opinions and
12 knowledge about the districts seems to increase
13 in these appointed board situations.

14 Now, whether that's just because there's
15 been a lot more attention paid to the school
16 situation in the course of all of these mayor
17 takeovers and so forth is an interesting
18 question. There's a huge amount of information,
19 it's a very dense book, and I'm just giving you
20 the highlights, but for anyone who's really
21 interested in getting into this area, I highly
22 recommend this book.

23 The reasons that Wong and his colleagues
24 give for these significant improvements in
25 mayor-appointed boards are -- some of them are

1 probably pretty self-evident as you think about
2 it. Education mayors -- which he calls the
3 mayors who appoint the boards and play a more
4 active role in school governance -- education
5 mayors can protect professional administrators
6 to allow them to implement long-term improvement
7 programs.

8 So the new board, if it's appointed by the
9 mayor, can say to the superintendent -- either
10 the existing superintendent or the new CEO that
11 they would bring in -- We want you to change
12 this situation and you've got X years, and we've
13 got your back. You know, do what you need to do
14 and we'll protect you, and the mayor has
15 committed to that.

16 One of the -- as you've probably read, one
17 of the conditions that Michelle Rhea, the --
18 they call her the chancellor in Washington, D.C.
19 instead of the superintendent -- one of the
20 conditions that she put on the mayor when he
21 asked her to come in and take over the school
22 system as their leader, as their CEO, was, Will
23 you stand up for me and, you know, how long will
24 you stand up? And his response, and the thing
25 that got her there, was he said, All the way.

1 You know, I'll invest all of my political
2 capital in seeing that you succeed here in
3 Washington.

4 The second point is they can reallocate
5 resources away from administrative structures to
6 instruction. One of the things that happens
7 with bureaucracies is that money begins to flow
8 into the bureaucracy into the administrative
9 structure and away from -- in the case of
10 schools -- instruction, and that happens over
11 and over again. And so the new CEO can say,
12 We're moving the money, and we're eliminating
13 positions and so forth.

14 Thirdly, they can bring in professional
15 administrators to get fiscal, operational, and
16 human resources systems in order. It seems like
17 a fairly reasonable thing to do, but it hasn't
18 happened in many districts. They could use
19 their offices to further citizen awareness of
20 the need for reform. They could encourage
21 partnership with other levels of government and
22 they can strategically prioritize their
23 resources more effectively. So a number of
24 reasons that they've figured out why these
25 organizations are successful.

1 But for some of you who follow some of this
2 literature, by the way, there's a new book
3 called When Mayors Take Charge. It's edited by
4 Joseph Viteritti who has been a major player in
5 the turnaround, or the attempts to turn around,
6 the city of New York school system, and it has
7 chapters in it by some of the major writers in
8 the field of change in school systems and change
9 in governance and so forth, and it's kind of an
10 interesting book. And there is a chapter in
11 here by Kenneth Wong which updates his research
12 and reinforces in some ways what he's talking
13 about.

14 All of these authors caution that appointed
15 boards aren't any panacea; you know, they're not
16 coming in and selling you and I'm not here
17 selling you on the idea that all you have to do
18 is get the mayor to appoint a board and all your
19 problems are over; you know, he snaps his
20 fingers and everything's okay. That's not
21 true. But it's -- what it does is to provide an
22 opportunity for change; an opportunity to change
23 the power structure and it enables further
24 change to take place if other conditions are
25 present, you know, if the organization and the

1 community are really committed to change.

2 So that's a very quick report on what's
3 going on in the field of changing
4 organizations.

5 How am I doing timewise Mr. Chairman? Do I
6 need to wrap-up here pretty quickly?

7 THE CHAIRMAN: Take your time.

8 DR. EDDY: All right. My -- back into my
9 academic jargon, we used to talk about how do
10 you -- what's the first step you have to make in
11 terms of getting change going, and we used the
12 term "unfreezing it." Situations have been in
13 status quo for a long time and all the forces
14 and so forth have sort of balanced themselves
15 out so that we keep on going right down the same
16 path regardless of what might happen to us as we
17 walk along the path in terms of the problems we
18 run into and the demands from the community and
19 so forth.

20 And so what does it take to unfreeze the
21 situation so that you can get some change
22 started? And this, obviously, isn't the case
23 that applies if you decide that this is what you
24 want to do. And these -- some of these are
25 examples from what we've done in Kansas City and

1 others are out of books and other experiences,
2 but the first thing we did was to establish an
3 advocacy group. We found a group of people, and
4 a lot of them were -- to start with, were
5 parents of the kids who were in the school
6 district who were saying, you know, We are tired
7 of paying high taxes and either not getting our
8 kids educated or sending them to charter
9 schools, private schools, parochial schools, or
10 too many people are moving out of the district,
11 moving out of the city to some of the suburban
12 districts where the schools are better.

13 So we hired -- so we established an
14 advocacy group. I think we could not have made
15 any progress without doing that. Some community
16 leaders were a part of that group. We set up a
17 website. I've got some cards here that I'll
18 leave with you that have our website address on
19 there so you can look and see what we're doing
20 if you're interested. We set up a speakers
21 bureau, and we hired a political consultant. We
22 raised some money and hired a political
23 consultant to help us so we wouldn't make too
24 much of a mess out of things.

25 One of the -- one of the books that -- a

1 piece of the work that has helped us, and as
2 we've gotten people to read it, has brought more
3 people on board, is a book called Cheating Our
4 Kids. I don't know whether any of you have read
5 this book. It's by Joe Williams. Joe was the
6 education reporter for the Milwaukee Sentinel
7 Journal for a number of years and then moved to
8 New York where he was the education reporter for
9 the New York Daily News. So he covered
10 education in two cities; one middle-sized big
11 city, and of course New York City, and himself
12 became very concerned and very radicalized by
13 his experiences as he saw resources going every
14 place except to the kids and so forth.

15 And I just want to read you one quick quote
16 that I think captures a lot of his ideas. He
17 says, his belief, that "Drastic change is
18 desperately needed along with strong leaders who
19 can stand up once and for all to choose the
20 needs of children before the wants of school
21 employees. Our political elders in mainstream
22 media have engaged in what Matthew Miller" --
23 author of that very popular book a couple of
24 years ago, The Two Percent Solution -- "calls,
25 quote, 'a tyranny of charades.' That is

1 orchestrated hoaxes about how those in power
2 plan to fix our modern educational system by
3 tinkering on the edges."

4 And that's the phrase that I've sort of
5 gone on, too, "tinkering on the edges."

6 "While reality demands a major revolution
7 in the way we deliver education in this country,
8 our politicians and press have lulled the public
9 into a catatonic state that quietly accepts such
10 reforms," in quotes, "as calls for more money,
11 school uniforms, block scheduling, smaller
12 classes" -- on and on, you've heard them all --
13 "none of which offers the seismic shift in power
14 that will finally put our kids first."

15 So that sort of gives you the flavor of Joe
16 Williams' attitudes. And he's convinced, based
17 on his studies and his reporting and so forth,
18 that, again, there's -- the current state in
19 many, many communities is such that the
20 resources are captured by us adults, and the
21 kids are forgotten; they don't have any vote,
22 they don't have any voice.

23 In too many urban communities like mine,
24 and partly in your community, parents are poor,
25 parents themselves have not had very good

1 experience with intervening in the educational
2 system, and so they get left out of the equation
3 also.

4 So we did that. We -- and I have had a lot
5 of people -- I've bought lots of used copies of
6 this book on eBay and have given it to lots of
7 people -- leaders and community folks and so
8 forth -- and it makes people mad to read it. It
9 makes them mad about what's going on in public
10 education in this country and motivates them
11 into action, and hopefully in our case motivates
12 them to give us a little money to help our
13 efforts also.

14 Secondly, then we began to -- and you have
15 to begin to bring student performance and
16 attendance and graduation and cost data into the
17 public eye. So we have developed PowerPoint
18 presentations, we have developed pamphlets and
19 so forth, which we present the realities of
20 what's going on in our school system to the
21 people in the community; that student
22 performance is not at all where it ought to be,
23 that turnover is much too high, that attendance
24 is too -- that graduation rates are much too
25 low, and lots of things that the community has

1 really not focused on. And the newspaper has
2 picked up this -- some of this material and has
3 helped us publicize -- again, back to my first
4 point: publicizing the discrepancy between what
5 is and what should be in public education in our
6 town.

7 One of the big rationales, if you will, for
8 the status quo that I hear -- and I've heard
9 from teachers in our school system, including a
10 member of the board of directors of the Teachers
11 Union, is, Well, you know, we can't do much with
12 these kids. You know, they just can't learn.
13 They're -- they are -- they come from bad
14 backgrounds, the parents aren't motivated, and
15 on and on and on. And, of course, that's a
16 lie. That's probably the biggest travesty that
17 we're operating with in public education, and
18 maybe in urban communities, these kids can't
19 learn.

20 One of the things I did -- I made it my
21 business to do when I was on the school board --
22 was to spend time in the schools with the kids.
23 Great kids, you know, whose lives are being
24 basically sabotaged by the system. They're like
25 these little girls who are graduating and then

1 they can't go anyplace with what they got out of
2 the -- their experience or -- or I have a friend
3 who runs a big construction company. He's
4 telling me, you know, we can't hire these kids
5 because -- your graduates -- because even to go
6 into the construction trade, you have to be able
7 to do basic math and you have to be able to read
8 and write, at a fairly modest level, actually.

9 So one of the things that we did, and that
10 if you decide to make changes I would really
11 recommend, this organization I have mentioned,
12 the Council of the Great City Schools, publishes
13 every year a thorough analysis of the
14 achievement levels of its member schools against
15 the state standards. How many of the kids in
16 Kansas City -- what percentage of the kids --
17 reach proficiency based on the No Child Left
18 Behind concept proficiency standard set by the
19 state, and how does this compare with the
20 national averages, how does this compare with
21 other cities.

22 You can go on the Council of Great City's
23 Schools' website and look up "Beating the Odds,"
24 number 8, which the last one I saw was
25 2006/2007 -- there's always a year or two lag as

1 they analyze all of this data -- and take a look
2 at how the kids in this school district are
3 doing compared with the other cities that you
4 would like to be compared with -- compared with
5 the state, whatever kind of comparisons -- and
6 they're also broken down by things like race and
7 so forth. This has enabled us, as we have gone
8 around and made our talks, to basically, you
9 know, shoot down the notion that it's just these
10 kids, it's their problem, it's nobody's fault
11 except the kids.

12 And, of course, the success of the KIPP
13 schools, which you have heard about, are another
14 testimony to this point. Kids going into the
15 KIPP schools are just like the kids in our other
16 schools in the urban community, and they're
17 achieving and they're attending and they're
18 motivated and so forth.

19 And, of course, the story again about the
20 charters in New Orleans tells the same story,
21 and there are many others. I'm working with
22 a -- as a volunteer -- with a school in Kansas
23 City that used to be one of the top ten or
24 twenty public high schools in the country, and
25 it was ultimately closed during the bad days of

1 our school district when the school was under
2 the control of federal courts. And we're
3 seeing -- we're under the -- we're working with
4 a model called the -- what's the name of the
5 foundation -- Woodrow Wilson Fellowship
6 Foundation in Princeton that has a model for
7 school improvement -- that's helping us. So
8 we've done that.

9 We did a -- we hired a professional
10 pollster and had him do a public opinion poll;
11 anonymous, scientific, and all of that stuff and
12 asked people, What do you think about public
13 schools in Kansas City, what hope do you have
14 for their future; what do you think about the
15 school board, and so forth. And the data we got
16 back were, to say the least, dramatic.

17 This guy, who was an old-time political
18 pollster and so forth said that those were among
19 the sharpest differences that he had ever seen
20 in any of his polls of people saying the
21 district is -- we don't have any confidence in
22 the district, the district is doing a terrible
23 job, it needs to be changed, we don't have any
24 confidence that the school board can change it,
25 et cetera. And we had it broken down by

1 different sectors of the community, and it held
2 up in the minority community and so forth.

3 So that, again, has been a big weapon for
4 us in terms of going around and talking to
5 people and saying -- the politicians are saying,
6 Well, I don't know whether I want to jump into
7 this or not because this is political hot water,
8 and so forth and so forth. And we can say,
9 Well, the truth is, based on this poll, that if
10 you do that the community will be behind you.

11 One of the arguments against the point of
12 boards, of course, is that it subverts the
13 democratic process; people's right to vote, and
14 the data nationally and locally and so forth
15 are, of course, nobody votes in the school
16 elections anyway, especially third and off
17 years. The average -- it varies, but the
18 average is someplace between ten and twenty
19 percent of the registered voters who vote in
20 school board elections if they're not held at
21 the same time as a mayoral election or
22 whatever. And there are studies that indicate
23 that up to 80 percent of the people who do vote,
24 vote out of some vested interest; you know,
25 they're teachers, they're union members, they're

1 vendors to the district, and so forth. So
2 there's not a whole lot of democracy going on
3 anyway in most school board elections. And
4 if -- and the argument that Wong and his folks
5 make is that if that -- if the mayor's
6 accountable for the behavior of this elected
7 board, then that's where the voters' votes will
8 make a difference.

9 We have this project, which has been very
10 interesting, and I wanted to tell you about it
11 briefly, and that is that some of these moms of
12 these kids in the school district are pretty
13 militant these days. They're mad about what's
14 not happening, in a sense. And we set up this
15 project we call Board Watch. The Missouri State
16 School Board Association has a set of criteria
17 for effective board performance, and we've
18 turned that set of criteria into a checklist,
19 and these women -- and some guys, but mostly
20 they're moms -- go sit through all the school
21 board meetings and they rate the school board --
22 rate the school board's behavior in each meeting
23 based on these criteria from the Missouri State
24 School Board, which are pretty hard to deny, you
25 know, since it comes from the mother of all

1 school boards in Kansas City.

2 And then there's a period, as there always
3 is, with -- for public comment, and so we sign
4 up -- our Board Watch people sign up -- and they
5 give the school board feedback with the
6 reporters in the room and so forth about how you
7 guys did; you know, you spent hardly any time
8 talking about the kids, you spent hardly any
9 time talking about academic achievement, you
10 kept getting off the subject, you kept mumbling
11 to each other up there in the board meeting so
12 we in the public couldn't hear what you were
13 talking about, and so forth and so forth. And
14 that's -- and of course the paper likes that
15 kind of stuff, and so we've had some luck
16 helping focus attention on the situation.

17 I've heard about your pre-K situation here
18 in Jacksonville in which you have a good pre-K
19 program. By the time the kids are in the third
20 grade, they've lost the advantage that the pre-K
21 education has provided them. I think, from
22 my -- as I have told you -- somewhat radicalized
23 point of view, that that ought to be a rallying
24 cry. The community ought to be ashamed of
25 that. You know, people ought to be up in arms

1 about that. You're putting resources into an
2 educational program and it's working, but for
3 some reason then as they get into the school
4 system they lose that advantage. And that ought
5 to be, I think -- easy for me to say,
6 obviously -- but that ought to be a banner in
7 the headline in the newspaper.

8 Okay. Let me wrap this up because I'd
9 rather answer your questions, if I can.

10 But one final point. There's a -- about
11 school boards. This article gets -- sometimes
12 gets referred to and quoted, so I want to
13 mention it, if I can find it. There was an
14 article in The Atlantic a couple of years ago by
15 Matt Miller, who is one of the writers for
16 Atlantic, called First Kill All The School
17 Boards; a recommendation which I don't
18 necessarily pursue -- well, I don't pursue, of
19 course -- but it's a -- in spite of its sort of
20 facetious title, it's a pretty interesting
21 analysis of why, in his view, city school boards
22 are dinosaurs; you know, they're out of date,
23 they're no longer the mechanism that we need,
24 and it's really worth reading and I'll be glad
25 to send this to you if you'd like to see it.

1 One of the points.

2 He makes -- again, facetiously somewhat --
3 "In the first place, God made idiots, Mark Twain
4 once wrote. This was for practice. Then he
5 made school boards." I think that's a little
6 harsh, but it's an interesting article and I
7 recommend it.

8 Well, thank you for listening to my sermon,
9 or sermonette, and let me try to answer any
10 questions, respond to any thoughts you have,
11 anything you think I've said that doesn't make
12 sense, whatever.

13 THE CHAIRMAN: Thank you, Dr. Eddy. Thank
14 you for coming.

15 I have one follow-up question with respect
16 to Wong's data that you referenced where he
17 measures across several different areas, one of
18 which was school performance acad- -- or I can't
19 remember how you phrased it -- student
20 performance gains --

21 DR. EDDY: Yeah, yeah. He called it
22 "effectiveness," I guess, but --

23 THE CHAIRMAN: Yeah.

24 DR. EDDY: -- performance. Academic
25 achievement.

1 THE CHAIRMAN: Okay. Is that focusing on
2 graduation rates? Is it focusing on student
3 grades, for lack of a better word, or both or --

4 DR. EDDY: In order to get a comparison
5 across all these districts, they focused on test
6 scores.

7 THE CHAIRMAN: Test scores.

8 DR. EDDY: And he's the first to admit
9 that that's not the best way to do it, but how
10 do you get comparative data across 40 states and
11 so forth and so forth?

12 So that's what they focused on, and they
13 had to statistically adjust what they were doing
14 to account for the fact that each state sets its
15 own standards for -- or has its own testing
16 system and its own processes and so forth. So
17 they -- so what they did was to measure each of
18 the cities in the study against that state's own
19 test data.

20 THE CHAIRMAN: Okay.

21 DR. EDDY: And then they had some -- a lot
22 of other stuff. They had some case studies and
23 other things in which they try to supplement
24 what they learned through using these test
25 scores with other information.

1 THE CHAIRMAN: Thank you.

2 Commissioner Catlin.

3 MR. CATLIN: Thank you, Mr. Eddy.

4 You mentioned a lot of different systems
5 and a lot of different suggestions. If you were
6 the Kansas City superintendent and there was
7 obviously a problem there, would you take the
8 General Motors style like you were talking about
9 and take -- change the organization from the top
10 with the drastic change, or the slower, safer,
11 more incremental change, with a
12 mayoral-appointed -- you offered a lot of
13 different systems. Which system are you
14 personally for?

15 DR. EDDY: Well, we tried the more -- the
16 slower, more incremental approach when we
17 brought in the Council of Great City Schools.
18 And, of course, in the process of all these
19 years, there have been many consultants come and
20 go. So we tried that and it didn't work, and so
21 now that's why I've switched to the General
22 Motors' top down reinvention approach.

23 And one of the things that that's done, by
24 the way, is -- I think -- and I may have a
25 little bit of a biased view -- but even if we

1 never get it through the legislature, heaven
2 forbid, I think it's had a pretty significant
3 impact on the current system because they saw
4 how close we got last year, and so they're
5 thinking, We better watch it, you know. Maybe
6 we can -- maybe we can get ourselves -- pull
7 ourselves up by the bootstraps and avoid this
8 takeover. And so they used public money, which
9 irked me greatly, to hire some people to run a
10 big PR campaign called Hands Off KCMSD; Kansas
11 City, Missouri School District. We're headed
12 toward world class status, you know, which is an
13 attempt to counter the turnaround. How they
14 were going to get to world class status they
15 never said, but they were fending off the
16 turnaround.

17 Is that a reasonable answer?

18 MR. CATLIN: Yeah.

19 THE CHAIRMAN: Commissioner Oliveras.

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

21 Thank you, Dr. Eddy, for being here today
22 and taking the time to come and visit with us.

23 DR. EDDY: Thank you for listening.

24 MR. OLIVERAS: Thank you.

25 I have a few questions for you. Some of

1 them are not necessarily along the same line.

2 DR. EDDY: Okay.

3 MR. OLIVERAS: First, starting with what
4 you ended with with Mr. Wong. I've read a
5 number of articles and some of his work, one of
6 his papers, and Wong seems to factor heavily in
7 the notion of mayoral control.

8 DR. EDDY: Right.

9 MR. OLIVERAS: And his statistical work
10 kind of starts to hurt the head after a while.
11 It's numbers intensive. And I'm just wondering,
12 after what you said a moment ago, wouldn't it
13 have been easier for Wong to use the National
14 Report Card model that -- those statistics for
15 his analysis, then it would be more even spread
16 and be accurate from state to state, I guess?

17 DR. EDDY: Well, I don't know. Probably
18 so. I don't know why he did this. Of course,
19 he started his work in the late '90s, and
20 probably the report card system wasn't in place
21 then. So that's a possibility.

22 MR. OLIVERAS: Have you, prior to coming
23 here -- and I'm not holding you to anything
24 here -- but have you had a chance to look at
25 Duval County Public Schools specifically;

1 achievements, deficiencies, any -- the
2 particulars?

3 DR. EDDY: Well, I have looked at the
4 website and I have talked with your Chair for a
5 little while, and that's all I know.

6 MR. OLIVERAS: Okay.

7 DR. EDDY: Because I didn't want to come
8 here and try to be an expert on your schools. I
9 didn't think that was my business or my job.

10 MR. OLIVERAS: Okay. Thank you.

11 A question -- we've had a number of
12 speakers who spoke on the New York City
13 mayor-controlled model. Chicago has been
14 mentioned. New Orleans has been mentioned. And
15 in my own research -- follow-up research to
16 their presentations -- I've become a bit
17 frustrated.

18 The New York model gives a number of
19 increased gains; test gains, graduation gains.
20 Then I look at information from New York City,
21 and the New York City media excoriates Mayor
22 Bloomberg for -- their term, not mine --
23 dummying down the test --

24 DR. EDDY: Yeah.

25 MR. OLIVERAS: -- and something called

1 "discharge codes," which I'm not completely
2 familiar with, but I get the impression it
3 allows a dropout to not be shown as a dropout.
4 And I see similar things from Chicago. And I
5 just -- I question whether these changes occur
6 to make the system look better or if actual
7 change has been effected.

8 DR. EDDY: Uh-huh.

9 MR. OLIVERAS: I would appreciate your
10 comment.

11 DR. EDDY: Okay. Well, I think that the --
12 that's probably one of the reasons that Wong
13 used test scores, which are a little harder to
14 manipulate than things like dropout data and
15 graduation rate data, which is notoriously
16 unreliable. So I think that's part of it.

17 And it seems to me that one way to look at
18 it is to turn it around and say you've got all
19 these systems that haven't changed. They've
20 been in status quo for decades. So what are the
21 options for changing them if this incremental
22 management consultant approach isn't working?
23 And so the option that's been used most often is
24 to start to change from the top and change the
25 governance and so forth. And then Wong's

1 question is, In cities who do that, what's
2 happened? You know, have things gotten worse,
3 have they stayed the same, have they gotten
4 better, have they gotten a lot better, and so
5 forth. And his data indicate -- he says, again,
6 that they look -- that they get better.

7 And if you -- during reading this book --
8 more recent book -- called When Mayors Take
9 Charge: School Governance in the City --
10 provides the perspective of several other
11 authorities, including Wong, but there are
12 chapters by a number of other people who -- some
13 of whom have doubted the appointed board idea,
14 but are now saying, along with Wong, it's no
15 panacea, it's no silver bullet, but it's one
16 place to start, and if a certain set of
17 conditions are in place, seems to work. You
18 know, seems to be a starting point anyway. But
19 we don't have enough history to know what's
20 going to happen at the end of the decade, of
21 course.

22 MR. OLIVERAS: Okay. Thank you.

23 One last question. I'm the parent of three
24 public school children; two of them are in high
25 school, one is in middle school. Forgive me for

1 bragging for just a moment. My children --

2 DR. EDDY: Please do.

3 MR. OLIVERAS: -- have always been honor
4 roll students. They attend Baldwin Senior -
5 Middle High School. It's a combined middle,
6 high school situation. I'm on the SAC Committee
7 out there, so I know firsthand the school
8 struggles with making gains with the lowest
9 quartile.

10 If we accept the assumption that our public
11 schools are broken, how is it we have in the
12 same school with students attending the same
13 classes with the same teachers, we have students
14 that are high achievers, we have students that
15 are making excellent learning gains, and then we
16 still struggle with that lowest quartile to make
17 any measurable gain at all in the same
18 classrooms?

19 DR. EDDY: Yeah. Yeah, I wish I knew the
20 whole answer to that question because that's
21 obviously one of the most important questions.

22 Part of it has got to do with teachers.
23 You know, some teachers can work well with one
24 kind of -- one group of kids. Some can work
25 better with other groups of kids. If teachers

1 have in their classroom a whole array of
2 students, some of whom have promise and high
3 motivation and some who don't, they pay more
4 attention to the kids who are -- you know, they
5 fit their model of what students ought to be
6 like.

7 There are a lot of reasons. We just
8 haven't learned how to take that disparity and
9 resolve it, you know. I don't have any great
10 answers to that question.

11 Well, I have -- well, I have friends. We
12 have a public high school in Kansas City that's
13 a college prep high school and it's a great
14 school and it always gets blue stars and so
15 forth and so forth. So that's fine, we
16 shouldn't mess with that, but we have a lot of
17 other schools that are just miserably failing,
18 and those are the ones we have to deal with, and
19 a good system ought to be able to do that.

20 MR. OLIVERAS: Thank you.

21 THE CHAIRMAN: Commissioner Korman.

22 MS. KORMAN: Thank you very much for
23 coming today.

24 And I have a question and I don't know if
25 you can answer it, but I'm going to -- it's

1 worth a try.

2 One of the things we're hearing during our
3 discussion of appointed versus elected that we
4 hear from most constituents is they feel that
5 they'll lose their right to vote if we were to
6 go that way or however we go.

7 How have you seen that been approached
8 in -- to make the voters feel comfortable if
9 that's the way that the Commission goes, that
10 they're really not losing their voice?

11 DR. EDDY: Yeah. Well, as a sort of a
12 stock answer at the national level with Wong and
13 his colleagues is that you're voting for the
14 mayor and you're holding the mayor accountable
15 for the performance of the schools, and so you
16 haven't lost your vote. You're just voting in a
17 different way. And the mayor in some ways is
18 more -- he's more visible -- or she, whoever the
19 mayor is -- more visible and the newspaper pays
20 closer attention to what the mayor does and so
21 forth, and so you have the opportunity to
22 express your views to the mayor, and the City
23 Council if that's part of the governance
24 system. So that's one of the answers.

25 The other answer is -- as I mentioned, is

1 that very few people vote anyway, you know. I
2 don't know what your voting rate is here for
3 school board members in off-year elections, but
4 I bet it's pretty darn low, like, what,
5 10 percent or something of registered voters.
6 You could look. So that's another answer.

7 Something that our Kansas City proposal
8 includes is a local referendum, so we're saying
9 to people, You wouldn't give up your right to
10 vote unless you voted to do that, you know. And
11 so that's -- that's another approach.

12 THE CHAIRMAN: Commissioner Catlett.

13 MR. CATLETT: Well, we happen to be blessed
14 with a mayor who's very interested in education,
15 but let's say that the system were changed and
16 in 20 years from now we had a mayor that was not
17 an education mayor. How do you get rid of the
18 school board members at that point since they're
19 appointed by the mayor?

20 DR. EDDY: What most systems have done is
21 to build in some kind of a sunset provision so
22 that in one way or another it's predetermined
23 about how you do that. You can declare a
24 referendum. You can put a sunset on the term of
25 this appointment process or whatever.

1 Sure, that's a clear concern. As some of
2 these guys who are experts on the history of
3 school governance point out, these nonpartisan
4 elected school boards were themselves a big
5 reform movement, you know, 30, 40 years ago when
6 up to that time schools were controlled by local
7 political parties and the ward bosses and the
8 patroning system and so forth. And so this was
9 supposed to get us out of that, and it did for a
10 while, and now it's become its own encrusted
11 bureaucracy.

12 THE CHAIRMAN: Commissioners, I have nobody
13 else in the que.

14 Commissioner Miller.

15 MS. MILLER: Through the Chair, thank you
16 very much, Mr. Eddy, for coming to talk with us
17 about change and organizational change and your
18 experience in Kansas City.

19 For the benefit of the Commission, I've
20 taken the opportunity to actually go to the
21 website at your recommendation, the Council of
22 Great City Schools, and printed out the Duval
23 County public school's report and the data, so
24 thank you very much --

25 DR. EDDY: Great.

1 MS. MILLER: -- for that. It's nice to
2 have an objective outside source to compile that
3 data.

4 If you -- we have heard a lot of debate
5 about the different types of change that might
6 be available to us, and there is some question
7 or debate about how successful we might be with,
8 say, an effort to undertake mayoral appointment
9 versus possibly a hybrid-type board that might
10 be partially elected and partially appointed,
11 and then another option is a charter school
12 district for the most in-need schools. And I
13 had the benefit of being in Kansas City just a
14 few months ago -- beautiful city -- and hearing
15 Mr. Bloch speak about his efforts in a charter
16 school district --

17 DR. EDDY: Uh-huh. He's a good friend of
18 mine.

19 MS. MILLER: Yes. He's an extraordinary
20 man.

21 And he was heir to the -- for the benefit
22 of the Commission -- he was heir to the
23 H&R Block Company and was CEO for a little while
24 and decided he would rather be in education and
25 make a difference in education in Kansas City,

1 and so he chartered a school district. So it's
2 an incredible story.

3 And so I would just ask you -- in his
4 experience -- and one of the benefits of a
5 charter school district, as we know, is that
6 there is an opportunity for more immediate
7 control over the day-to-day operations as
8 opposed to -- as you mentioned, an appointed
9 school board is not a panacea because you still
10 inherit a lot of the rules and regulations,
11 contracts, burdens, labor issues, that were
12 already existing.

13 So if you had to wave a wand and say what
14 would be the most effective -- what would
15 provide the most effective change for our
16 schools out of the various models you've
17 discussed -- and I'm talking about our most
18 in-need schools because we have some schools
19 that are bar-none excellent.

20 DR. EDDY: Sure.

21 MS. MILLER: But we have a good number of
22 them that are desperately in need, as our
23 community is in need, and are under threat of
24 state takeover.

25 So how would we -- if you had to look at

1 all of these options, what might you recommend
2 to make the most immediate impact in those
3 schools?

4 DR. EDDY: Well, one of the options you
5 mentioned was the hybrid school board; some
6 appointed, some elected, and so forth, and my --
7 I don't know of any data about that
8 particularly, but -- except the St. Louis
9 experience -- but my reaction is that that's not
10 a very good approach because then what you've
11 got -- you've built some political issues into
12 that board from the very beginning.

13 If you have an appointed board and they're
14 appointed by the mayor, the mayor can call some
15 people together and say, "I'm thinking about
16 appointing you to the school board. I'm
17 expecting you to work together, you know. And
18 I've probably got the power to pull you off of
19 there if you don't. And so are you a team? Do
20 we have a common vision? Do we have any issues
21 we need to work out?" So I think that's --
22 that's not the best approach.

23 The charter school approach, of course, as
24 it's worked in New Orleans, has been effective
25 and in some ways it's got -- the advantage is

1 you don't have to worry about all these
2 political issues and whether the state
3 legislature gets involved or not once they have
4 enabled charter schools in the first place.

5 The problem we have in Kansas City -- we
6 have three or four really good charter schools;
7 Tom Bloch's charter school and a French academy
8 and so forth, but then we've got a number of
9 charters -- I think we have 18 now, if I haven't
10 lost track -- several who are doing about the
11 same as the school district in terms of any kind
12 of major (inaudible). As a group, they are
13 doing more poorly than the school system is.
14 And these are just little charter schools, sort
15 of storefront operations, that somebody had
16 started either because they felt a calling or
17 because they saw a lot of money floating around
18 and so forth. And so that's something they have
19 been able to avoid, I guess, in New Orleans for
20 the most part by putting some pretty stringent
21 controls on charters in terms of what the
22 expectations are and what the ground rules are
23 and how they have to go away if they're not
24 doing their job and so forth.

25 So I think in some ways there's a big

1 advantage to charter schools. I don't know --
2 the question is, just how politically feasible
3 would it be to change over to an all-charter
4 system or a mostly charter system in
5 Jacksonville or in Kansas City. It would be --
6 I think it would be tough.

7 They're talking in Houston, I understand,
8 about converting all the high schools in the
9 Houston school district to charter schools -- or
10 to KIPP schools -- maybe, which is quite
11 obviously one brand of charter.

12 MS. MILLER: Thank you.

13 DR. EDDY: Let me tag onto your point about
14 the Council of Great City Schools. One of the
15 things we used -- this is the Urban Educator
16 (indicating), which is the newsletter of the
17 Council of Great City Schools. Their headline a
18 couple of years ago -- year and a half ago --
19 was, based on the data that you just looked at,
20 Big City Students Post Highest Test Scores
21 Ever. And then what they do is to use -- they
22 give us some national data. And then what we
23 did was to compare these national data to the
24 Kansas City data.

25 And I don't have those with me, but, for

1 example, in eighth grade math, in 2007, they say
2 the percentage -- average percentage of kids
3 scoring at or above proficiency in Council of
4 Great City Schools was 55 percent. Kansas City
5 was something like 16 percent. That -- so that
6 was pretty dramatic. People paid attention to
7 that.

8 Now, the one caveat you have to put on that
9 is that the -- it's kind of like adding and
10 averaging apples and oranges and bananas and so
11 forth because each state sets its own standard
12 for proficiency, you know, so you have to take
13 that into account.

14 MS. MILLER: Through the Chairman, I
15 actually have a question and a request for
16 Mr. Rohan in that regard.

17 Mr. Rohan, at some point in the hopefully
18 near future, could you or someone in the General
19 Counsel's Office provide the Commission with a
20 memorandum outlining the Florida's charter
21 school requirements?

22 And so -- and what I mean by that are, you
23 know, what is -- what does it take, are there
24 eligibility requirements, who can authorize,
25 what is the process, and what are the review

1 procedures in terms of -- I believe it's -- it's
2 specifically granted through the local school
3 district, though there was a law, I think passed
4 in the last few years, that allows the Florida
5 Department of Education to grant. I think that
6 was repealed, but you can -- if you could
7 provide that to us because I think it would be
8 helpful for the Commission to understand what
9 the feasibility would be of having a charter
10 school singular or whether we can create a
11 charter school district of several, and what
12 that would take.

13 So it's really an outline of the law
14 regarding charter schools, the requirements,
15 eligibility, whether or not it has to be a
16 singular school or if there can be many schools,
17 can it be all of the district or part of the
18 district, that type of a thing.

19 There's a -- your point is well-taken, and
20 I think we need to understand Florida's
21 requirements, and specifically if Duval County
22 School Board has the power to grant, then we
23 should understand that process.

24 DR. EDDY: Is there some requirement -- to
25 add to that -- that some institution has to

1 sponsor the charter school? Could be the school
2 district, but it could be a local college or
3 university or something.

4 MS. MILLER: Exactly. Thank you.

5 And you're absolutely -- and so to add to
6 that, is there some requirement for the
7 sponsoring organization? Can it be a
8 municipality? I believe it can be because we
9 know the City of Pembroke Pines has, in fact, a
10 charter school district, and that has been
11 remarkably successful for its most in-need
12 schools.

13 But we would like to just confirm that it
14 can be a municipality, or if there are other
15 requirements for that, what are the
16 requirements? I am somewhat familiar with that
17 because my own institution has a charter school
18 for high school dropouts, but it's a little bit
19 different.

20 Thank you.

21 THE CHAIRMAN: Commissioners, I have nobody
22 else in the que. Any other further --
23 Commissioner Austin.

24 MR. AUSTIN: Dr. Eddy, thank you very much
25 for your very enlightening comments here this

1 morning.

2 Let me ask you. When we formed up or
3 consolidated government and created the school
4 districts and the way we were going to run that,
5 after extensive research, they decided that they
6 would elect the school board but it would be
7 non-salaried. Has that been a factor -- has
8 salary been a factor in anything that you've
9 studied?

10 DR. EDDY: I don't know the answer to that
11 question. The school board in Kansas City is
12 not paid. We just got our travel expenses and
13 things like that. So I don't know. I would
14 like to, but I don't.

15 MR. AUSTIN: Okay. Jim, if I could respond
16 to your question.

17 I think you have a measure of mayoral
18 appointments with the independent authorities we
19 have. I think what you would have would be a
20 comparison of the boards and a comparison of
21 school boards. I don't know how you would do
22 it, but I think that would work out.

23 One or two other comments. We have a --
24 I've heard it said that -- from our group --
25 that if it ain't broke, don't fix it, but it

1 seems to me that this system somehow is broken.
2 I've been living in Jacksonville for 50 years
3 and I don't -- can't think of a time when I've
4 ever thought that the school system -- or
5 haven't read that the school system -- is not
6 struggling and not making it -- not doing what
7 it needed to do for all of our children. Some
8 children excel, but a lot of children don't
9 excel. I just wanted to -- that don't -- if
10 it's not broken, I don't know that that
11 applies.

12 There is one other old saying I read the
13 other day, and it told me who said it, but I
14 don't know who it was -- it's kind of trite, but
15 it's a definition of insanity. He's doing the
16 same thing over and over again expecting
17 different results. Now, I think we've been
18 doing the same thing over and over and over
19 again and expecting different results over
20 here.

21 Thank you very much for your comments and I
22 think they'll be very helpful to us.

23 DR. EDDY: One thing you might want to do
24 in terms of that other question of whether or
25 not it's broken, you know, one of the big school

1 districts that's up the coast from you guys is
2 the Charlotte-Mecklenburg school district which
3 has the reputation of being one of the best run,
4 most successful big school districts around, and
5 it would be interesting to go visit them or have
6 somebody from Charlotte-Mecklenburg come here
7 and compare yourselves. And even in the Council
8 of Great City Schools, they had to look at what
9 they're doing with their achievements and so
10 forth.

11 THE CHAIRMAN: Commissioners?

12 Commissioner Austin.

13 MR. AUSTIN: Sir, I have one more
14 question.

15 There are some special interests in the
16 community -- I think we hear this around the
17 country a lot these days (inaudible) special
18 interests.

19 DR. EDDY: Yeah.

20 MR. AUSTIN: But there are special
21 interests that take interest in these particular
22 elections, like school board elections. Don't
23 you diffuse that some by moving it up a notch
24 and away from the local election to the general
25 election of the mayor?

1 DR. EDDY: You mean by having it at a
2 different time? Is that what --

3 MR. AUSTIN: Yes, sir. The less interest
4 there is in a particular election, the more you
5 enhance the special interest clout in an
6 election; is that right?

7 DR. EDDY: I think so. Probably, yeah. I
8 haven't studied that, but it makes sense to me,
9 yeah.

10 MR. AUSTIN: Okay.

11 DR. EDDY: The problem, as we've said, is
12 that if you have the school board elections
13 separately, hardly anybody votes and so you
14 really don't know what you're measuring.

15 MR. AUSTIN: Thank you.

16 THE CHAIRMAN: Thank you very much,
17 Dr. Eddy. We appreciate your taking the time
18 and effort to come here from Kansas City and we
19 appreciate the perspective you've given us.

20 DR. EDDY: Thank you for your attention and
21 for your interest.

22 Good luck.

23 THE CHAIRMAN: Thank you.

24 DR. EDDY: I'll follow you with great
25 interest.

1 THE CHAIRMAN: Have a safe trip back.

2 DR. EDDY: Thank you.

3 THE CHAIRMAN: Commissioners, our next
4 speaker is Mr. Tim Ballentine, who is the
5 Executive Director of Instructional Research and
6 Accountability with the Duval County Public
7 Schools, and he is going to address some
8 information -- I understand he is going to be
9 addressing some information that Whitney Tilson
10 presented in his testimony to us. And as
11 Mr. Clements told us, you should have a handout
12 with Mr. Ballentine's information.

13 Name and address, please, for the record,
14 and our court reporter will swear you in.

15 MR. BALLENTINE: The name is Tim
16 Ballentine. 12875 Wingdale Drive, 32246.

17 THE REPORTER: Do you affirm that the
18 testimony you are about to give will be the
19 truth, the whole truth, and nothing but the
20 truth so help you God?

21 MR. BALLENTINE: I do.

22 THE REPORTER: Thank you.

23 MR. BALLENTINE: Good morning.

24 As I already said, I'm Tim Ballentine, and
25 I'm from Duval County Public Schools.

1 Your chairman has asked me to give you a
2 little background about myself. I have been in
3 education for 56 years, if you can imagine
4 that. Twelve of those were as a student here in
5 Duval County schools, so that ameliorates that a
6 little bit.

7 I'm not here to try to sway you one way or
8 the other. I'm here basically to help you with
9 your deliberations by making sure that you have
10 in your possession data that allows for an
11 apples-to-apples comparison.

12 Although we know we are way short of where
13 we need to be and want to be, Duval County
14 Public Schools are making real progress and it's
15 my intent to provide you with the data
16 comparable to the data which has already been
17 presented to you.

18 In 2009, for the second consecutive year,
19 Duval County earned a district grade of B from
20 the state of Florida as a part of Florida's A++
21 School Accountability Program.

22 School grades have been awarded to
23 Florida's districts -- Florida's schools and
24 districts -- since 1999, and the means by which
25 school districts in Florida are graded mirrors

1 the process and formulas followed in the grading
2 of individual schools.

3 Districts earn points based on the percent
4 of students across the entire district in grades
5 three through eleven who perform at or above
6 grade level in reading, mathematics, writing,
7 and science. Points are also earned for the
8 percent of students who demonstrate more than a
9 year's growth in reading and mathematics as well
10 as the percent of students in the -- of our
11 lowest performing students who show more than a
12 year's growth.

13 Points are totaled and a grade is awarded
14 according to where that point total falls on a
15 predetermined grading scale.

16 In a like manner, individual schools earn
17 grades based on how the students in their school
18 perform in the same eight categories.

19 It's also important to note that the
20 additional focus on student performance in
21 science and the low-performing students in
22 mathematics has only been added just in the last
23 two years and makes the criteria for earning a
24 high school grade or district grade even more
25 difficult.

1 With that said, the number of schools
2 earning a school grade of A has increased from
3 10 in 1999 when school grades were first given
4 to 79 last year. That's an increase of
5 690 percent, even under more rigorous criteria.

6 The number of schools earning a school
7 grade of B has increased from 7 in 1999 to 23 in
8 2009, an increase of 229 percent, or as a
9 combination 17 schools in Duval County in 1999
10 earned an A or a B. Last year, that figure was
11 102, which makes a 500 percent increase in the
12 10 years that school grades have been given.

13 Further, last year 45 of Duval County
14 schools increased their school grades by at
15 least one letter grade over the previous year.
16 Two schools moved from an F to a B. And we even
17 had a school that made an F two years ago in
18 2007 that has improved their grade to an A last
19 year.

20 As a part of No Child Left Behind federal
21 legislation, every state is required to
22 administer a series of assessments at selected
23 grade levels. Some states, like Florida, have
24 chosen to administer comprehensive assessments
25 that focus on grade level standards in reading,

1 mathematics, and science. Other states, like
2 New York, have also included end-of-course
3 assessments in what they consider to be critical
4 courses for graduation. Florida is also moving
5 in that direction, and many Florida districts
6 will be participating in field testing of state
7 end-of-course assessments in Algebra I and
8 geometry later this school year.

9 Florida's current grade level assessments
10 are called the Florida Comprehensive Assessment
11 Test, or FCAT, and from the beginning
12 performance by Duval County Public Schools has
13 improved at every grade level and in every
14 content area tested.

15 Another way that districts and states
16 monitor the performance of their students is
17 according to the number and percent of a cohort
18 of students established in the ninth grade who
19 successfully complete their high school studies
20 in four years and earn a high school diploma.
21 This is commonly referred to as the graduation
22 rate. Unfortunately, the methods by which
23 graduation rates are calculated vary greatly,
24 and each method identifies different groups of
25 students who are considered graduates.

1 In 2005, the National Governors Association
2 developed a formula for calculating graduation
3 rates, and it is easily among the most rigorous
4 methods currently in use. It's commonly
5 referred to as the NGA rate, and is a more
6 common and reliable formula for calculating
7 graduation rates. Florida, along with twenty
8 other states, has already adopted this as an
9 official method of calculating our graduation
10 rate, and eight more states are coming on board
11 with the NGA rate this year.

12 The NGA graduation rate recognizes only two
13 types of high school diplomas as official
14 graduates. These are the standard Florida high
15 school diploma and a special diploma that's
16 earned by a very small number of students with
17 disabilities who follow a specially-tailored
18 program of studies.

19 In 2009, Duval County Public Schools had an
20 NGA graduation rate of 64.5 percent, an increase
21 of 7.1 percentage points since 2006.

22 Again, let me just say that I'm not here to
23 criticize another school district, as both
24 New York City and Duval County Public Schools
25 have made progress. However, the progress

1 New York City has recently seen is no where near
2 the progress that we have seen here in Duval
3 County over the last ten years.

4 According to information collected from
5 New York City's Department of Education website,
6 their graduation rate includes Regents diplomas,
7 Advanced Regents diplomas, local diplomas, and
8 GED diplomas. Now, you need to understand that
9 local diplomas are awarded to students in
10 New York City who earn the required number of
11 high school credits; 22, but are unable to
12 pass -- or unable to achieve the State-mandated
13 passing score on the Regents exams. Instead,
14 they earn a significantly lower score on the
15 Regents exam.

16 In Florida, students who earn all the
17 credits required for graduation; 24, but are
18 unable to earn the required score on the FCAT,
19 receive only a Certificate of Completion and do
20 not count as graduates in our calculation of
21 graduation rates.

22 The GED, or General Educational Development
23 diplomas, are awarded to students who are able
24 to pass a series of assessments covering
25 language arts, mathematics, science, and social

1 studies. Although New York City counts these
2 students as graduates, the State of Florida, and
3 therefore Duval County, does not.

4 While it was presented to you previously
5 that New York City's 2007 graduation rate was
6 62 percent, if you remove the GED diploma and
7 local diploma recipients in 2007 and count only
8 Regents and Advanced Regents diplomas, the 2007
9 graduation rate for New York City drops to
10 37.1 percent. Now, that figure comes from a
11 document published by New York City's Department
12 of Education's Research and Policy Support
13 Group.

14 Looking at it from another perspective, if
15 Duval County were allowed to take credit for
16 students who earn a Certificate of Completion or
17 a GED diploma, we estimate our graduation rate
18 would be in the neighborhood of 75 to
19 80 percent.

20 A question was also raised as to why Duval
21 County's graduation rate appears to be lower
22 than that of most other districts in Florida,
23 and the answer to that is pretty simple. Duval
24 County has a more rigorous graduation -- set of
25 graduation requirements than are required by the

1 state of Florida, and, in fact, most other
2 districts in Florida. And let me just consider
3 a few of those more rigorous requirements.

4 Florida requires four credits in
5 mathematics, one of which must be an Algebra I.
6 Duval County also requires four credits in
7 mathematics, but they must be an Algebra I,
8 geometry, and Algebra II. Florida requires
9 three credits in science. Duval County requires
10 four credits in science, and even specifies that
11 one of them has to be in biology, and two of
12 them have to be in the physical sciences.

13 Florida does not require students to take
14 courses in world languages, formerly called
15 foreign language, in order to graduate. Duval
16 County requires that students earn two credits
17 in consecutive courses in a world language in
18 order to graduate.

19 The dropout rate looks at the percent of
20 students in grades nine through twelve who leave
21 the school district during the course of a
22 single school year. Although we know the
23 dropout rate also needs to improve, we have been
24 making progress, and Duval County's dropout rate
25 for 2009 was 4.8 percent, down from 6.6 in

1 2006.

2 In a report published in June of 2009 -- I
3 may be getting ahead of myself here -- by the
4 National Center for Education's statistics
5 regarding the characteristics of the nation's
6 100 largest school districts, in fiscal year
7 2006 Duval County's public schools ranked 21st
8 according to size. New York's schools was
9 ranked at the top with more than a million
10 students.

11 Of the twenty-five largest school districts
12 in that same report, Duval County ranks 25th
13 based on an expenditure of \$8,694 per student.
14 This compares to \$18,327 per student expended by
15 New York City's schools and explains how
16 New York City can afford to fund proven programs
17 like the KIPP schools out of their operating
18 budget.

19 Because of its demonstrated track record
20 for success, leaders from Duval County Public
21 Schools have worked for a number of years to
22 bring the KIPP program to Duval County.
23 Ultimately, bringing KIPP to Jacksonville
24 required the identification of private donors
25 who could provide the additional \$1,500 per

1 student needed to pay for the program.

2 As you know, the KIPP schools owe their
3 success in part to extended learning time and
4 relatively small school sizes, both of which
5 require funding above and beyond what we're able
6 to provide to our public schools.

7 Duval County is open to implementing
8 instructional programs and strategies that have
9 demonstrated effectiveness. In fact, Duval
10 County is one of only two districts in Florida
11 with which Teach for America has chosen to
12 partner. Becoming a Teach for America district
13 was an integral part in ensuring that we
14 continued to have high-quality teachers in our
15 district.

16 Duval County takes teacher professionalism
17 very seriously. A decade ago, Duval County
18 spent in the neighborhood of eight hundred to
19 \$900,000 each year for teachers who were found
20 to be less than satisfactory to be held in a
21 holding pattern while they awaited a hearing.

22 Since that time, the district has developed
23 a progressive discipline process that places
24 teachers in this same situation on leave without
25 pay while they await their hearings, and this is

1 a major cost-savings to the district.

2 By comparison, New York City public schools
3 allows teachers in similar situations to be paid
4 their salaries and benefits for up to three
5 years while they await their hearings, and all
6 of this at an average cost per year of
7 \$65 million.

8 The Duval County Research Department was
9 able to gather information from twenty of the
10 twenty-five largest districts regarding student
11 performance on the SAT, which is a
12 nationally-recognized assessment of how prepared
13 a student is to do college-level work. A
14 comparison of the average composite scores from
15 each of the twenty districts shows that Duval
16 County ranked thirteen, ahead of Miami, Dade
17 County, Houston Independent School District,
18 New York City Public Schools, Los Angeles
19 Unified School District, Prince George's County,
20 Maryland, Philadelphia, and Pinellas County,
21 Florida.

22 Students and parents in Duval County public
23 schools have a variety of choices for school
24 attendance, more than many other districts of
25 comparable size. In fact, approximately 30,000,

1 or 24 percent, of our students take advantage of
2 one of the choice options available to them.

3 These options include Opportunity
4 Scholarships. Opportunity Scholarships are a
5 State-mandated opportunity for students in
6 schools that have received two failing grades in
7 a four-year period to move to another school
8 that has earned a higher grade of C or better.

9 McKay scholarships, another State-mandated
10 program that allows students with disabilities
11 to attend a private school, yet still obtain
12 their special services they need from a Duval
13 County public school.

14 Magnet programs are an opportunity for
15 students to attend the school outside their
16 attendance area that may have a special focus on
17 such things as the arts or college preparatory.
18 Students are selected for the magnet program
19 through a lottery system.

20 Special transfer options. Special transfer
21 options are -- allow a parent to request a
22 transfer for their child to attend any school in
23 the district.

24 Military transfer options. This is a
25 requirement that children of active-duty

1 military families receive priority over
2 nonmilitary families for placement in a magnet
3 program.

4 Charter schools are public schools that
5 have their own boards of directors that are free
6 from many of the requirements to which
7 noncharter public schools must adhere.

8 Career academies. Each of Duval County's
9 high schools includes one or more programs that
10 focus on a career and the job skills necessary
11 to work in that career area.

12 And special academic programs such as the
13 International Baccalaureate or IB Program, the
14 Advanced International Certificate of Education,
15 AICE program, early college-high school. In
16 fact, starting this past school year, the
17 district placed at least one of these
18 acceleration programs in each of our high
19 schools.

20 For the last two years, Duval County has
21 focused much of its available resources on those
22 schools that are in the greatest need of
23 improvement. Now, these resources contribute to
24 a number of strategies including reconstitution
25 of the school's faculty. Many of our lowest

1 performing schools have been reconstituted over
2 the last two years. The principal has been
3 replaced by a veteran principal with a proven
4 track record for turning around a low performing
5 school, and an analysis is also undertaken to
6 determine which teachers at the school have the
7 greatest success getting the most out of their
8 students. Teachers who have not been able to
9 demonstrate this success are either replaced or
10 must undergo targeted professional development
11 aimed at improving their teaching skills.

12 We provide additional personnel for these
13 schools. This includes instructional coaches in
14 the areas of reading, mathematics, and science.
15 We also provide staff that specialize in the
16 analysis of student performance data, who help
17 the teachers in the schools identify specific
18 learning deficiencies of individual students,
19 and it allows the teachers to differentiate the
20 instruction to accommodate those specific
21 deficiencies.

22 We provide enhanced instruction for
23 students. This includes tutoring opportunities
24 before, during, and after school; Saturday
25 school; Safety Net Programs; and monitoring of

1 progress through a variety of interim
2 assessments.

3 Additional professional development is
4 provided for all teachers in those schools
5 throughout the school year. There's a provision
6 for returning to work earlier at the beginning
7 of each school year to accommodate additional
8 professional development and special training to
9 help teachers use student assessment data to
10 drive differentiation of instruction.

11 School based and instructional staff are
12 constantly recruiting volunteers and mentors to
13 work with individual students and to help with
14 supplemental funding. This has become a major
15 focus of our schools as the success of our
16 students is a communitywide issue.

17 Finally, Duval County Public Schools leads
18 the state and is ahead of most districts across
19 the nation in paying teachers and principals, at
20 least in part, based on the performance of their
21 students.

22 Duval County is one of the few districts in
23 the state that participates in the state funded
24 Merit Award Program or MAP. You may have heard
25 of it. It requires the comparison of student

1 performance in every teacher's classroom from
2 the beginning of the year to the end of the year
3 so that we can see which teachers are able to
4 get the greatest gains in performance from their
5 students. It's important to note this because
6 we're a leader in rewarding and encouraging
7 those teachers who show consistent progress with
8 their students.

9 We in Duval County Public Schools are very
10 aware that we are not where we need to be, but
11 we're also aware that the picture is not as
12 dismal as you may have been led to believe by
13 some of the presenters who have spoken to you
14 previously.

15 I'll be happy to entertain questions you
16 may have at this time. If I can answer them, I
17 will. If I can't, I will get an answer for you
18 and get it back to you.

19 THE CHAIRMAN: Thank you, Mr. Ballentine.

20 I have a question. In 2004, JCCI released
21 a study on public education and identified an
22 achievement gap -- a racial achievement gap in
23 our Duval County Public School students. What
24 efforts has the School Board made or what
25 success has occurred in closing that achievement

1 gap since 2004 when the study was released?

2 MR. BALLENTINE: Well, there are a number
3 of programs that have been put in place, and I
4 mentioned some of those toward the end of my
5 presentation, talking about the enhanced
6 instruction for students. Part of that is
7 Safety Net Programs where we provide
8 after-school activities, learning for the
9 students, Saturday school. We partner with
10 institutions like Bethel, to provide additional
11 training on the weekends and during the
12 summers. We have enhanced our summer program.
13 Last year, we had one of the most successful
14 summer programs that Duval County has had in
15 recent years, things of that nature.

16 THE CHAIRMAN: And are there any data that
17 the gap is being closed?

18 MR. BALLENTINE: There is data that shows
19 the gap is being closed in certain areas and at
20 certain grade levels. And I'll be happy to send
21 that for you to share with the committee, if you
22 would like.

23 THE CHAIRMAN: Please do.

24 MR. BALLENTINE: I will.

25 THE CHAIRMAN: Commissioner Oliveras.

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

2 Thank you for being here, Mr. Ballentine.

3 I just have one question for you, and it's
4 essentially the same question I asked the
5 previous speaker. When you have children in the
6 same classroom, in the same school that are
7 making solid learning gains, making As and Bs,
8 what accounts for students in that same
9 classroom in that same school that are failing,
10 that are not making adequate yearly progress?
11 How do we explain that?

12 MR. BALLENTINE: Well, I think Dr. Eddy had
13 a good response to that in part. Some teachers
14 are better equipped to teach certain types of
15 students, certain levels of students who are
16 able to learn certain ways.

17 I think one of the other -- or a couple of
18 the other things that maybe we're overlooking
19 that we need to put more focus on is in the
20 types of instructional materials, supplemental
21 materials that are used in those classrooms.

22 We have gone to accommodate the class size
23 requirements. We've gone to a lot of
24 co-teaching. We probably need to look at
25 pairing those co-teachers up a little better,

1 you know, and perhaps putting a teacher who has
2 a track record of doing a good job with the high
3 achieving students with a teacher who has a
4 track record for doing a good job with the
5 students who are not performing at that level.

6 Another thing that we need to find a way
7 to -- and this is a problem across the
8 country -- how do you overcome the home
9 environment, the neighborhood environment that
10 has a great influence on these children, and I'm
11 not sure what the answer is to that.

12 MR. OLIVERAS: Okay.

13 THE CHAIRMAN: Commissioner Miller.

14 MS. MILLER: Through the Chair, thank you,
15 Mr. Ballentine, for your presentation and for
16 preparing that and bringing that to us. We
17 certainly appreciate it, and I believe it echoes
18 much of what the Superintendent and the School
19 Board Chairman have presented to us in the past
20 in a little bit greater detail.

21 I have few questions for you, and I
22 appreciate the data regarding the number of
23 A schools and the school grades and the
24 improvements over the last ten years, as you've
25 noted. I have a question related to that,

1 though. How many high schools are there in
2 Duval County?

3 MR. BALLENTINE: There are now 20.

4 MS. MILLER: Twenty.

5 And of those high schools, how many are, I
6 guess, a "C" or less?

7 MR. BALLENTINE: A "C" or less, probably
8 13.

9 MS. MILLER: Thirteen.

10 And we've heard some data in reports that,
11 I believe, a few of those are far below a "C"
12 and are in jeopardy or some concern because they
13 received, I think, it's two or three years of
14 "F" grade, so the state has put those schools on
15 a special plan. How many of those schools
16 are -- I guess, have received an "F" grade for
17 two or more years?

18 MR. BALLENTINE: I would have to refer to
19 some notes that I don't have with me.

20 MS. MILLER: Okay.

21 MR. BALLENTINE: But we have three high
22 schools that are currently in what the State
23 refers to as intervening status.

24 MS. MILLER: Uh-huh.

25 MR. BALLENTINE: Those are the schools

1 where reconstitution is required. Replacement
2 of the principal is required, unless that
3 principal has only been there like a year and
4 hasn't had a chance to prove themselves.

5 Reconstitution of the faculty, I mentioned
6 that earlier where we actually go through and
7 look at the data, student by student, and tie
8 that data to each individual teacher and look
9 for those teachers that do a good job, keep them
10 there, look at the teachers that aren't doing as
11 good a job and either replace them or come up
12 with a plan for how to help them improve their
13 skills.

14 MS. MILLER: Okay. And of the high schools
15 that are "C" or less, do you have the
16 break-out of there's 13 "C" or less?

17 And I understand the State requirements
18 that if you have a "C," then the school district
19 has to create what's called a School Improvement
20 Plan; is that right?

21 MR. BALLENTINE: Well, actually, all of our
22 schools have a School Improvement Plan.

23 MS. MILLER: Oh.

24 MR. BALLENTINE: That's required by the
25 State.

1 MS. MILLER: Okay.

2 MR. BALLENTINE: Every school has to have
3 it.

4 The schools that are in what are called
5 differentiated accountability -- and actually
6 it's not just the D and F schools. It's all of
7 the schools that are in one of the
8 differentiated accountability statuses, stati,
9 whatever the word is. They have a particular
10 format of the School Improvement Plan that they
11 have to create.

12 All of those are on-line on our website if
13 you should want to look at them.

14 MS. MILLER: Okay. What do you mean
15 by "differentiated"?

16 MR. BALLENTINE: Well, there are various
17 levels that the State has described.

18 MS. MILLER: Uh-huh.

19 MR. BALLENTINE: Schools that fail to make
20 adequate yearly progress for a certain number of
21 years -- and now we're talking about not school
22 grades, but AYP. That's part of the No Child
23 Left Behind rules. Schools that fail to make
24 adequate yearly progress for a certain number of
25 years and fail to make improvements with their

1 lowest performing students -- adequate
2 improvement for their lowest performing students
3 are placed in one of five categories, the most
4 egregious of which is intervene.

5 MS. MILLER: Uh-huh.

6 MR. BALLENTINE: The two levels above that
7 are Correct 1 and Correct 2 schools, and there
8 are two levels above that called Prevent 1 and
9 Prevent 2. I don't have those criteria in front
10 of me, but it's a one-page document that I would
11 be happy to share with you as well.

12 MS. MILLER: Okay. And I think -- and just
13 to clarify, you mentioned that the standards --
14 I think you said there's AYP standards. And
15 those have to do with specific performance
16 outcomes for each school?

17 MR. BALLENTINE: Right.

18 MS. MILLER: Okay. And those standards are
19 set by the No Child Left Behind Act for the
20 State of Florida?

21 MR. BALLENTINE: Right. It's called
22 Adequate Yearly Progress.

23 MS. MILLER: Adequate Yearly Progress.

24 MR. BALLENTINE: Each school has 37
25 categories in which they must make adequate

1 yearly progress or the school doesn't make
2 Adequate Yearly Progress. And those categories
3 basically are the total students tested and then
4 five ethnicities as subgroups and then students
5 who are economically disadvantaged, students who
6 are -- who have disabilities, and students who
7 are English language learners.

8 MS. MILLER: Okay. And so you may know
9 where I'm going with this. Of the total number
10 of Duval County schools, how many are in one of
11 these five categories?

12 MR. BALLENTINE: There are about 125.

13 MS. MILLER: Out of how many schools?

14 MR. BALLENTINE: One hundred and sixty-two
15 schools.

16 MS. MILLER: So we have 162 schools in
17 Duval County; is that correct --

18 MR. BALLENTINE: Yes.

19 MS. MILLER: -- total?

20 MR. BALLENTINE: Uh-huh.

21 MS. MILLER: And 125 are in one of these
22 five differentiated categories --

23 MR. BALLENTINE: Yes, ma'am.

24 MS. MILLER: -- based on the 37 categories
25 for Adequate Yearly Progress established by the

1 No Child Left Behind Act?

2 MR. BALLENTINE: That's correct.

3 MS. MILLER: Okay. And the breakdown in
4 terms of intervene, Correct 1, Correct 2,
5 Prevent 1, Prevent 2, is that on your website or
6 is that available to us?

7 MR. BALLENTINE: I can get that for you.

8 MS. MILLER: And it would be helpful to
9 understand for each category the number of
10 schools, and within that, the number of high
11 schools, elementary, and middle schools.

12 MR. BALLENTINE: Okay.

13 MS. MILLER: I think that might be helpful
14 so we get a better picture of that data.

15 Thank you very much.

16 MR. BALLENTINE: Okay.

17 THE CHAIRMAN: Commissioners, I have nobody
18 else in the queue.

19 Commissioner Oliveras.

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

21 Follow-up from Commissioner Miller.

22 Generally speaking, the schools that are in one
23 of these categories, what part of AYP is it
24 they're typically not meeting? Is there a
25 number or a percentage or what specifically --

1 what goal, what target are they not hitting to
2 get put in one of the Prevent or interventions?

3 MR. BALLENTINE: Well, primarily it's the
4 English language learners and the students with
5 disabilities that keep schools from making
6 Adequate Yearly Progress.

7 One of the measures is how students --
8 English language learner students in reading,
9 okay. They're English language learners. I
10 mean, they're not expected to be able to read
11 yet. Once they can read, they come out of that
12 category. So it's kind of a catch-22 in that
13 particular aspect.

14 MR. OLIVERAS: So for a school to be in one
15 of these categories, are we -- would we be
16 expected to see a large number of students, or
17 could it be a very small cohort of students that
18 would trigger that for the year?

19 MR. BALLENTINE: It could be as few as 30
20 students.

21 MR. OLIVERAS: Okay.

22 THE CHAIRMAN: Commissioner Miller.

23 MS. MILLER: Through the Chair, thank you.

24 And Mr. Oliveras' question just sparked
25 another question for me. When you were able to

1 present this data -- and it might be a little
2 bit -- it might be helpful to show -- and I
3 guess we need a breakdown of those schools to
4 show which areas -- which of the 7 -- 37
5 criteria they've been either cited for or noted
6 for, the reason why.

7 MR. BALLENTINE: Uh-huh.

8 MS. MILLER: But I think that might be
9 helpful.

10 But of the 125 -- and you said that we have
11 a total of 162 schools. I have two questions.
12 There are English language learners at all
13 schools in Duval County; is that correct?

14 MR. BALLENTINE: To a degree, yes. Some of
15 our schools have greater numbers of -- they're
16 ELL Centers.

17 MS. MILLER: Okay. And all of the -- most
18 of our schools, maybe not all of them, but most
19 of our schools have students with disabilities?

20 MR. BALLENTINE: Yes.

21 MS. MILLER: Yes.

22 So that's a -- the same standards are
23 applied to all of our schools; is that correct?

24 MR. BALLENTINE: Yes.

25 MS. MILLER: Okay. And when you're

1 measuring progress, I'm assuming that the
2 No Child Left Behind Act and these Adequate
3 Yearly Progress standards tell us how to
4 measure, say, progress for students with
5 disabilities? They tell you how to measure
6 that?

7 MR. BALLENTINE: The same requirement --

8 MS. MILLER: Uh-huh.

9 MR. BALLENTINE: -- is applied to each
10 subgroup of students. If the target is
11 72 percent of students proficient in reading,
12 then every subgroup of students has to be -- has
13 to meet that 72 percent target.

14 MS. MILLER: So English language learners
15 as well as students with disabilities?

16 MR. BALLENTINE: Right.

17 MS. MILLER: Thank you.

18 MR. BALLENTINE: Okay.

19 THE CHAIRMAN: Any other further comments,
20 questions from the commission?

21 COMMISSION MEMBERS: (No response.)

22 THE CHAIRMAN: Okay.

23 MR. BALLENTINE: Thank you.

24 THE CHAIRMAN: Thank you, Mr. Ballentine.

25 I appreciate it.

1 Just as a reminder for the audience, if you
2 intend to speak at public comment, please fill
3 out a blue speaker card and leave it on the
4 counter, and Mr. Clements will bring it to me.
5 That way, I'll have an accurate sense of how
6 many speakers we have.

7 Diane, we do not have Planning Commission,
8 correct?

9 THE REPORTER: Yes, correct.

10 THE CHAIRMAN: Okay. We will now move into
11 the portion of our agenda dealing with the
12 ethics code and Ethics Commission issues, which
13 is an item, of course, that we have talked about
14 at several of our previous meetings but for one
15 reason or another not been able to delve into in
16 more detail, usually because of time
17 constraints.

18 And so I believe Commissioner Miller has a
19 proposal to lay on the table.

20 MS. MILLER: I do.

21 Through the Chair to Mr. Rohan, do you have
22 the amendment?

23 MR. ROHAN: Yes.

24 MS. MILLER: Thank you.

25 Through the Chair to the Commission, I have

1 listened to our conversation -- our conversation
2 last week about ethics with Mr. Claypool, and
3 we've heard several presentations from -- early
4 on from Ms. Miller, Carla Miller, who is here,
5 the City's ethics officer as well is present.
6 And we may have heard from specifically or
7 personally members of the Ethics Commission, and
8 so -- and we've certainly heard from the
9 public.

10 And I think we also -- we also have an
11 opportunity -- have had an opportunity to look
12 at the original charter. In the original
13 charter, as we know, if you go back and read, I
14 believe it's Article 16, has a statement of
15 policy -- a declaration of ethics policy for the
16 City. It went on to set forth a Code of Ethics
17 that as we have learned in the '70s became
18 almost -- well, it was preempted by state law.

19 And Mr. Rohan has prepared a memorandum at
20 my request, which you all have, out of our
21 conversation last week that tells us about
22 the -- the -- just the many, many different
23 state statutes and statutory regulations that
24 apply to public officers, employees, elected
25 officials, attorneys, et cetera. So I would

1 encourage you to take a look at that if for no
2 other purpose than to understand that there's
3 already a whole network, if you will, of ethics
4 laws that apply to different individuals within
5 our state government, our local government to
6 different extents depending on their capacity,
7 their role, their status, but -- but there is a
8 role.

9 I think we've learned that for an Ethics
10 Commission, for an Ethics Code, and for a
11 statement of policy, one of the risks you run
12 when you draft legislation or any kind of law --
13 and I know this from lots of experience -- is
14 that if you draft it too broadly, you create
15 exemptions. If you draft it too strictly or
16 narrowly, then you can run the risk of having it
17 struck down because it conflicts too much with
18 state law, or if it's constructed too narrowly,
19 then you can create unintentional loopholes or
20 exceptions. So there's -- there has to be a
21 right balance. And what I am proposing -- I am
22 by no means taking credit that this is the right
23 balance. It's simply a proposal for
24 discussion.

25 And I have worked and talked with at length

1 Ms. Miller, and she's here to speak to this, as
2 well as Mr. Rohan in the General Counsel's
3 Office to come up with the right balance at
4 least based on our discussions and then -- and
5 then give this to the Commission for
6 consideration. And I don't take any credit for
7 any original thought in this because much of it
8 comes from our original charter.

9 And I think it's important to note -- if
10 you'll look at the proposal, the -- the current
11 section of the charter that deals with ethics is
12 Section 18.1, and it's -- really what you see
13 before you is Subsection C. That's the --
14 that's the only part of our charter that
15 references the Ethics Code. So what I have
16 added is new subsections A and B. A and B
17 mirror in many ways the original language of the
18 original charter, and I think it is -- and it
19 sets forth, I would say, a guidepost or a
20 policy -- an aspirational policy of what we
21 expect of ourselves, of our city leaders, of our
22 employees, and elected officials. And, again,
23 this doesn't conflict with anything in state law
24 because it is setting forth a policy and an
25 expectation.

1 And I would just like to read a little bit
2 of this into record. I know that everyone here
3 can read and certainly everyone out in the
4 audience, but for benefit of those who are
5 attending, I think it's important to just
6 reiterate that what we're saying is:

7 "In terms of our policy, the proper
8 operation of democratic government requires that
9 public officials and employees be independent,
10 impartial, and responsible to the people; that
11 government decisions and policy be made in the
12 best interests of the people, the community, and
13 the government; that public office not be used
14 for personal gain; and that the public have
15 confidence in the integrity of its government."

16 And I think we can't quarrel with that.
17 That's, you know, motherhood and apple pie, and
18 it's what we should expect from ourselves and
19 everyone we elect.

20 Subsection B provides -- we've heard a lot
21 about the -- I think some sections of our
22 government -- the consolidated government --
23 consolidated, not just the City -- consolidated
24 government might believe that they're not
25 subject to the local Ethics Code. So this

1 section makes clear that the Ethics Code, as
2 enacted by the City Council -- as enacted by the
3 City Council, applies to the consolidated
4 government; its constitutional officers;
5 independent agencies; districts whether elected,
6 appointed, paid or unpaid to the officers and
7 employees of the school district. That language
8 comes right out of the original charter. And,
9 again, it sets forth the scope and tone of our
10 expectations, as stated in Section 1.

11 And then we have added language to ensure
12 that our Ethics Code is not going to duplicate
13 any state laws and run the risk of being struck
14 down, rather it is intended to be a supplement
15 to state ethics laws, and that there shall be an
16 Ethics Commission. We know that there is an
17 Ethics Commission by ordinance, but there shall
18 be an Ethics Commission which we may assist or
19 coordinate in training of local officers,
20 referring matters to appropriate authorities,
21 and enforcement power is limited to the Ethics
22 Code which is authorized and enacted by the City
23 Council. And that appropriate support will be
24 provided. It doesn't say what kind of support,
25 but it's intended to just say "appropriate

1 support."

2 Ms. Miller has -- Ms. Carla Miller, my
3 sister probably from another mother, I guess, in
4 terms of name, has suggested two enhancements to
5 Section B that I will let her explain if it's
6 okay with the chairman, but she is suggesting
7 the addition of two words.

8 If you sort of read down into the middle of
9 the paragraph, in Section B, it says, "The
10 Ethics Code shall provide for," she would like
11 to insert the word "independent Ethics
12 Commission," and then if you read further,
13 "which may assist or coordinate," and she would
14 like to insert the words "a citywide ethics
15 hotline."

16 And I have expressed to Ms. Miller that I
17 have neither strong feelings for or against
18 either one of those provisions. My biggest
19 concern -- and this comes primarily from my
20 training as a lawyer -- is that the Ethics
21 Commission, itself, is already established in
22 Section -- I believe, Chapter 602 of the
23 Ordinance Code, but specifically there is a
24 section of the Ordinance Code that, I believe,
25 Mr. Rohan has passed out which already

1 establishes the complaint process. It
2 establishes the hotline and then in the
3 confidentiality of that, and the process for
4 referring those matters.

5 So my concern is that it would be
6 duplicative, and -- as to the hotline. And --
7 but in terms of "independent," again, I don't,
8 again, have strong feelings for or against that
9 other than it may be redundant and it may be
10 that this is truly within the purview of City
11 Council and the mayor to decide accountability
12 on that.

13 Independence with independence connotes a
14 certain amount of, well, independence. That may
15 require more support in a superstructure or a
16 substructure of government that maybe we don't
17 intend.

18 So, again, I don't have feelings for or
19 against that. I'm just presenting that. And
20 this is for your editing comment, suggestion,
21 what have you.

22 THE CHAIRMAN: Thank you,
23 Commissioner Miller. Thank you for taking the
24 time, and Mr. Rohan as well, and I know
25 Ms. Miller had a key role in putting this

1 together, so my thanks to all three of you for
2 putting this discussion draft together to start
3 with.

4 I would like to actually just note for
5 record that Vice Chair O'Brien arrived
6 approximately at the beginning of
7 Mr. Ballentine's presentation.

8 And my question for Ms. Miller is: This
9 second sheet that Mr. Rohan handed out with --
10 Subsection G, could you explain why we have
11 this?

12 MS. MILLER: So -- and I'll refer to
13 Mr. Rohan.

14 Again, my concern, as I stated, is I am --
15 since the charter is our constitution, I believe
16 it should be broadly worded in many ways, but
17 set the intent. Since that's the constitution,
18 it's up to our various branches of government
19 and the checks and balances in that process to
20 set forth the specifics.

21 The ordinance code already sets forth the
22 ethics hotline. It establishes jurisdictional
23 issues, confidentiality matters. And this is
24 just one section of our Ethics Code. Mr. Rohan
25 graciously offered to print out the entire

1 thing, but I think we can all look it up. If
2 you'd like, we can see that.

3 But I'll defer to Mr. Rohan as to -- I just
4 thought this would be illustrative of a point
5 that I -- I don't want to -- my intention is not
6 to duplicate anything that's already an existing
7 law and to allow the existing structure of
8 government to make specific decisions about how
9 to implement the Ethics Code.

10 THE CHAIRMAN: Okay. I think I understand
11 now why you provided us this additional piece of
12 paper. But, Mr. Rohan, if you would like to
13 comment on that, I'm happy to hear it.

14 MR. ROHAN: Thank you, Mr. Chairman and
15 members of the Commission.

16 This is Section 602.903 -- 602.903(G) of
17 the City Ordinance Code. It deals with the
18 duties and powers of the Ethics Commission --
19 Jacksonville Ethics Commission. It's in our
20 Ordinance Code.

21 THE CHAIRMAN: Thank you.

22 Commissioner Miller, was it your desire to
23 have Ms. Carla Miller testify briefly about this
24 draft document before we hear from the
25 commissioners?

1 MS. MILLER: I think that would be
2 helpful. And if it's your pleasure, I think
3 that would very helpful. And she's been very
4 helpful, and we've worked well together in
5 coming up with this and having very good
6 discussions, not long discussions, about the
7 various aspects of it, so I think it would be
8 very helpful.

9 THE CHAIRMAN: I agree.

10 (Ms. Carla Miller approaches the podium.)

11 THE CHAIRMAN: Ms. Miller, name and address
12 for the record, please.

13 MS. C. MILLER: Carla Miller, 8120
14 Merganser Drive, Ponte Vedra.

15 THE CHAIRMAN: And our court reporter will
16 swear you in.

17 THE REPORTER: Would you raise your right
18 hand for me, please.

19 MS. C. MILLER: (Complies.)

20 THE REPORTER: Do you affirm that the
21 testimony you're about to give will be the
22 truth, the whole truth, and nothing but the
23 truth so help you God?

24 MS. C. MILLER: I do.

25 THE REPORTER: Thank you.

1 MS. C. MILLER: My name is Carla Miller,
2 and I am the ethics officer for the City of
3 Jacksonville.

4 And, yes, we've had many discussions, and I
5 appreciate all of the discussions, the efforts,
6 and everybody reading all of the information
7 that's been sent to you on this issue.

8 I agree with Commissioner Miller that this
9 is our constitution. The charter is our
10 constitution. My inclination always is to have
11 all the details worked out, and that's going to
12 have to be worked out with the City Council.
13 There's a lot of issues that need to go through
14 that system.

15 But what do we really need? What is in the
16 core of our charter? What kind of intention do
17 we want to evidence to the citizens of
18 Jacksonville to build their trust?

19 And I think we have in front of us a
20 proposal that gets us almost there, and it would
21 be really excellent if we could add the two
22 words -- or two concepts that I have suggested.

23 We, actually, in the first sentence of
24 Section B have extended the Ethics code to the
25 entire consolidated City of Jacksonville.

1 That's really key. That's well done. I agree
2 with every single thing here.

3 When you get to the sentence on, "The
4 Ethics Code shall provide for an Ethics
5 Commission," I insert the word "independent" as
6 a suggestion. It tracks what Florida law has
7 done -- or Florida constitution. If you look at
8 the Florida constitution in your testimony from
9 last week, Phil Claypool said that it was a
10 strong enough issue for our constitution in
11 Florida that the word "independent" was put in
12 front of Ethics Commission.

13 And why is that? Is that a superfluous
14 word? I don't think the citizens of
15 Jacksonville would think it's a superfluous word
16 to put the word "independent" in there. It
17 evidences an intent as to how the City Council
18 is actually going to give life to an Ethics
19 Commission, and if they have that word there and
20 certainly the intent of the citizens of
21 Jacksonville, they will be looking at it to see
22 is this a real watchdog system? Is this
23 something that really is going to be effective?
24 And to build public trust, I think that word is
25 essential.

1 As you know, the concept of a strong and
2 independent Ethics Commission has been endorsed
3 by the League of Women Voters, the NAACP, the
4 Concerned Taxpayers, and I've had numerous phone
5 calls. "Independence" is a very key word.

6 The second concept is a hotline. Now, I
7 have taken over 300 calls on the hotline and
8 handled it since the mayor established it in
9 2007, and I would say the hotline is probably
10 the most number one, vital, essential element in
11 anticorruption efforts for this City. It is not
12 optional. It just can't be optional.

13 Under the federal sentencing guidelines and
14 under Sarbanes-Oxley, it is not optional for
15 major corporations in America. It should not be
16 optional and have the ability to be eliminated
17 by our City Council.

18 That's a strong, strong intent that we will
19 give whistle-blower protection, and we will take
20 calls on a hotline to pick up corruption before
21 it gets on the front page of the Times-Union.
22 It would be nice to have a really strong system
23 to pick it up in the beginning so that we have a
24 strong system in place that can prevent it from
25 getting to the point where we see it on the

1 front page of the paper.

2 So I think the resolution is an excellent
3 start. I think the intention of this Charter
4 Revision Commission to come through that you're
5 in support of the hotline, whistle-blower
6 protection, and independence of the commission
7 are very, very key aspects. It doesn't have to
8 do with finances. We can do it all with
9 existing resources.

10 And so I -- you know, I would just urge the
11 Commission -- in 1968, we had very bold group,
12 and they were serious -- very serious about
13 fighting corruption in this city, and so I trust
14 that you will do the same.

15 THE CHAIRMAN: Thank you, Mrs. Miller. I
16 appreciate your comments.

17 Stand by, you may have some -- well, I have
18 several people in the queue, and they may be for
19 you. I don't know yet.

20 MS. C. MILLER: Okay.

21 THE CHAIRMAN: Commissioner Eichner.

22 MS. EICHNER: Thank you, Ms. Miller, for
23 your comments.

24 And I just want to say thank you to
25 Commissioner Miller for her work on this issue.

1 I know that this was one of the subject
2 matters that we discussed last week but didn't
3 have enough time to do it. And this is almost
4 exactly along the same thoughts as I was having
5 in establishing the Ethics Commission back
6 within the charter. So I'm not so sure that the
7 hotline needs to be a provision within the
8 charter for this, but I would agree on adding
9 the word "independent" back.

10 Thank you.

11 THE CHAIRMAN: Commissioner Catlett.

12 MR. CATLETT: Well, I am going to have
13 several questions.

14 How much corruption have you discovered in
15 your tenure?

16 MS. C. MILLER: What comes in on the
17 hotline is confidential, and there's a lot of
18 coordination --

19 MR. CATLETT: Just numbers -- numbers, I'm
20 not asking for people's names. It's just how
21 many -- of the 300 calls that you've had, how
22 many calls have resulted in some corruption that
23 you have reported to the State Attorney?

24 MS. C. MILLER: You know, that's a
25 subjective question, and --

1 MR. CATLETT: I don't think it is
2 subjective. It's a number.

3 MS. C. MILLER: How many calls?

4 MR. CATLETT: Yeah. How many have
5 resulted -- how many calls that have been
6 complaints or informational have been related to
7 some corruption that was found and passed on to
8 the State's Attorney, just approximately? I'm
9 not going to hold you to the exact number,
10 approximately. These are your statements, not
11 my statements.

12 MS. C. MILLER: Right. I'd say things that
13 are subject matter of law enforcement activity
14 perhaps 10 to 15 different issues. Then there's
15 various tips that come in that aren't full-blown
16 cases that get passed on for informational
17 purposes. I would say that I've had reports
18 from at least half of the departments in the
19 City as to things going on.

20 You know, so there's a lot -- there's a lot
21 coming in on the hotline, and a lot of it would
22 be in the category of coordination with the
23 State Attorney's Office, which the Inspector
24 General and I do.

25 There is actually a new person in the State

1 Attorney's Office who's former FBI, and we have
2 a liaison with that person to work on the
3 corruption aspects. I would say we have a whole
4 other category of fraud, waste, and abuse that
5 can be handled internally by the Inspector
6 General's Office.

7 But is there activity that needs to be
8 handled, and can we handle it at the front end?
9 Yes. And I'm saying it's important with a
10 billion-dollar city budget and \$4 billion with
11 all the independent authorities that we have
12 adequate oversight to handle that.

13 MR. CATLETT: Okay. Next question on the
14 list -- can I go through a couple of questions,
15 Mr. Chairman?

16 THE CHAIRMAN: (Nods head.)

17 MR. CATLETT: Next question on the list --
18 by the way, I agree with most of what you're
19 trying to accomplish. I don't want you to think
20 I don't. But in order to make sure that
21 everybody knows what we're doing, I've got to
22 ask a few questions.

23 How many of the 15 -- 10 to 15 cases that
24 you referred as corruption to the State's
25 Attorney were prosecuted?

1 MS. C. MILLER: It's an interesting
2 question because there's information that comes
3 in --

4 MR. CATLETT: Right.

5 MS. C. MILLER: -- that could be part of a
6 prosecution and part of grand jury and part of
7 even federal investigations. You know, so the
8 information -- you're -- we're talking about the
9 criminal aspects.

10 MR. CATLETT: Right.

11 MS. C. MILLER: I consider the criminal
12 cases and the criminal information coming in to
13 be separate, totally the jurisdiction of the
14 State Attorney. That criminal --

15 MR. CATLETT: Who?

16 MS. C. MILLER: Angela Corey, State
17 Attorney.

18 MR. CATLETT: Well, I'm looking at the
19 word "corruption" because I didn't initiate
20 that. You did.

21 MS. C. MILLER: Yeah. And I don't think
22 corruption is necessarily criminal. The
23 definition by the United Nations and by
24 Transparency International, the accepted
25 definition of "corruption" is a person in public

1 office using their office for private gain. It
2 doesn't necessarily entail a violation of the
3 law, and I --

4 MR. CATLETT: That's already in the state
5 code, right?

6 MS. C. MILLER: What's in the state code?

7 MR. CATLETT: A person using their office
8 for private gain.

9 MS. C. MILLER: Right. That's in the --

10 MR. CATLETT: Is that in the State Ethics
11 Code now?

12 MS. C. MILLER: That's in the aspirational
13 definition.

14 MR. CATLETT: Well, I'm looking at it.
15 That's why I'm asking you this.

16 MS. C. MILLER: Which one are you looking
17 at?

18 MR. CATLETT: Well, there's several here.

19 Mr. Rohan -- and thank you again, Steve --
20 has given us a litany of different things that
21 the Florida Commission on Ethics has
22 jurisdiction over: acceptance of gifts,
23 purchasing from one's agency, selling to one's
24 agency, receiving remuneration intended to
25 influence corrupt use of position to benefit.

1 That's what we're talking about, right?

2 MS. C. MILLER: No.

3 MR. CATLETT: No?

4 MS. C. MILLER: And if you want a
5 definition, what we have here in Florida
6 Statutes, when it says "corrupt use of
7 position," that -- actually, some of these
8 statutes are criminal bribery.

9 MR. CATLETT: Yeah.

10 MS. C. MILLER: I'm talking -- it's a
11 definitional thing, and I actually have done
12 training sessions on this. I don't want to get
13 into detail here, but there is a definition of
14 "corruption" that does not involve actually
15 breaking the law, and I'll give you an example.

16 MR. CATLETT: I'd like that.

17 MS. C. MILLER: In fact, I get a lot of
18 hotline calls on this, where people see
19 something in the community and they feel like a
20 public official has been using their office for
21 private use or private benefit, and it turns
22 out, after research, that it doesn't violate any
23 state or local laws.

24 But that doesn't prevent people from taking
25 a look at that activity and saying, "We wish

1 this wasn't happening." You know, so there's a
2 difference between what people will perceive as
3 a misuse of office, and not everything that is a
4 misuse of office has been codified into state
5 law. It just hasn't.

6 So a lot of the complaints we see and a lot
7 of the confusion that people have in the
8 community is they see something that doesn't
9 quite fit. The appearance does not appear to be
10 right to them, but when you have researched the
11 law, it's not against any law. And so a lot of
12 times we're in the position of saying, "That
13 doesn't violate the law." And they say, "Yeah,
14 but it doesn't seem right. It seems corrupt."
15 And I give them the definition of "corruption"
16 because there are two definitions.

17 MR. CATLETT: So "corrupt use of a position
18 to benefit" is not what you're talking about,
19 then?

20 MS. C. MILLER: The word "corruption" and
21 the word "ethics," those two words are just
22 thrown around all over the place without people
23 clearly defining them.

24 MR. CATLETT: I'm agreeing with that.

25 MS. C. MILLER: That is true.

1 MR. CATLETT: That's the problem I've got.

2 MS. C. MILLER: That is a problem. That is
3 a problem.

4 MR. CATLETT: Okay. Next on the list is
5 the independence question.

6 By the way, I think Ms. Miller's research
7 and so forth is excellent. I'm really not happy
8 with the word "independence" because that's up
9 to the City Council and the mayor to decide the
10 level of support that they want to give to the
11 ethics officer. I mean, conceptually I don't
12 have problem with it, but I do think that it's
13 their obligation, when the word "independence"
14 is in there, to establish a level of funding
15 that will support your efforts.

16 And back when we discussed this before, I
17 objected to establishing an additional
18 bureaucracy. Hadn't changed my position on that
19 one scintilla. I'm not a TaxWatch guy. I'm
20 just cheap, okay? This has to do with the fact
21 that we're scraping for nickels, and we're going
22 to be under water in our budget again this
23 year.

24 So I'm not in favor of the
25 word "independent," although this policy, I

1 think, is to the point. And I'm certainly not
2 in favor of going further on the hotline. It's
3 already here. I mean, what are we doing there
4 if it's already here? We've already got the
5 hotline. You're answering 300 calls, which
6 apparently none have resulted in the criminal
7 documentation. But by the definition you're
8 using, some may be corrupt.

9 I don't know. Maybe I'm just more
10 confusable than a lot of other people are.

11 Maybe you could help me there, Mr. Austin.
12 Am I totally out of whack here with my questions
13 on this?

14 MR. AUSTIN: I'm sorry. I don't -- my
15 problem, if I'm -- I don't -- what's the
16 problem? I mean, what's not being done --

17 MR. CATLETT: That's what I asked.

18 MR. AUSTIN: -- that should be done now?

19 MS. C. MILLER: Good question and I'll
20 answer it. For instance, we have on the front
21 page of the City's website the hotline number.
22 So citizens, when they look at the City's
23 website and they have a complaint, they call
24 that number. It could involve an independent
25 authority. It could be something that is not --

1 is not necessarily clearly criminal. If it's
2 clearly criminal, the Inspector General and I,
3 per our procedures, immediately refer to the
4 State Attorney's Office. It's out.

5 But there can be accounting regularities or
6 there can be problems where there looks like
7 there's confusion and there's complaints and
8 there's something going on. It hasn't risen to
9 a criminal level yet. That's the key part of
10 having a strong internal anticorruption system
11 because you can go in -- when you see those
12 warning signs and you can say, "Okay. Let's get
13 the numbers. Let's talk to everyone. What are
14 you thinking? What are you doing?" And you
15 actually can work it out at the front end so
16 that it never gets to the point where it's a
17 criminal offense where it has to go to State
18 Attorney's Office, so it's the early warning.

19 Now, what we don't have right now is a
20 clear system coordinated citywide to handle that
21 kind of thing. If something comes in on the
22 hotline on an independent authority, the
23 Inspector General does the investigation. She
24 doesn't have jurisdiction to do anything with
25 the independent authorities. So there's gaps

1 there, and it's okay that we have the gaps
2 because I think we made a major advancement in
3 2007 with the mayor announcing an Inspector
4 General and a hotline. That was great.

5 So when you start pushing all the cases
6 through and you see what's coming in, you see
7 where you need to actually shore it up and get
8 more authority for most importantly the
9 Inspector General and for the enforcement
10 agencies that are coming in.

11 If we have a local Ethics Code with, let's
12 say, ten clearly written laws, the local Ethics
13 Commission would enforce that. They do not take
14 the role of the State Attorney's Office in the
15 least, but we have to have a good internal
16 system to pick up the warning signs, and a lot
17 of that has been picked up. A lot has been
18 corrected.

19 As far as cases that the State Attorney's
20 Office is working on, I'm not at liberty to
21 discuss the things that they're working on, but
22 I can tell you that there have been many -- at
23 least once a day I get a call from someone that
24 has an ethics issue, something that they're
25 wrestling with, and they need some kind of input

1 on what to do. And I think the more we train
2 people to ask those questions and the more we
3 jump in at the front end, we will not be seeing
4 the headlines in the paper.

5 So what's -- it's picking up that early
6 warning system. We do not have that at the
7 point where it needs to be, and that's fine.
8 It's an evolution. But we need to work harder
9 as a community to get it so law enforcement, the
10 Inspector General, Ethics Office, and Ethics
11 Commission are working together better.

12 We're coming step by step and a lot has
13 been done, but we need to get there, and I think
14 that this charter amendment is really key in
15 giving a message to City Council as to how
16 serious we really are. And they can figure out
17 what they mean with "independence," but at least
18 the intent is there that clearly has been voiced
19 by the citizens.

20 The League of Women Voters and the NAACP
21 have clearly said, We want -- for transparency
22 and for trust, we want to make sure that this is
23 independent. And I think that has to come
24 through strong to the City Council.

25 Now, how they interpret that and how they

1 fund it is a whole different issue that can be
2 battled out in City Council, you know, but I
3 think the intention clearly has to be there.

4 MR. AUSTIN: Couldn't the Council just do
5 this? Couldn't they just create it with an
6 ordinance?

7 MS. C. MILLER: Create?

8 MR. AUSTIN: This business here.

9 MS. C. MILLER: Well, it's my understanding
10 that once we start reaching into the entire
11 consolidated City of Jacksonville and trying to
12 get a system for the independent authorities,
13 that, to be clear, it should be in the charter,
14 which is the first sentence that
15 Commissioner Miller has in her proposal, because
16 you see the second -- I mean, the third
17 provision, Section C on training, the reason
18 that was put in there is because we had
19 resistance on one person specifically who
20 said, "I'm a constitutional officer. I don't
21 have to do any of your ethics training."

22 So several years ago -- that's why that was
23 put in there because the constitutional officers
24 and the independent authorities had the argument
25 that if it's not in the charter, it doesn't

1 govern them. So that's the key reason why you
2 would need to have this in there.

3 Now, why would you want to put
4 "independent" Ethics Commission and why would
5 you want to put "hotline"? You put it in for
6 the people to build public trust. That's why
7 you put it in there, that that is an overriding
8 thing that we will have a citizen vehicle to
9 discuss ethics issues, and we will have a
10 hotline to pick up things at the front end.
11 It's a clear signal to the citizens that we're
12 serious about anticorruption and ethics
13 initiatives in the City.

14 Now, could -- and, in fact, the City
15 Council has put in the hotline, but it is not
16 clear that it covers the independent authorities
17 nor is it protected from being removed, and I
18 have heard discussions about it being removed.
19 So, you know, like, "Well, is it really -- you
20 know, should it be in there, or should we remove
21 it?" And it could be removed very easily, and I
22 don't think the citizens want that. I think the
23 Charter affords better protection to have it in
24 there and to show the seriousness of the Charter
25 in fighting these issues.

1 MR. AUSTIN: Mr. Chairman -- Mr. Rohan --
2 can I ask --

3 THE CHAIRMAN: Yes.

4 MR. AUSTIN: Excuse me. Through the Chair,
5 can this be done by the City Council?

6 MR. ROHAN: The City, as a county, can
7 regulate -- the City of Jacksonville, as a
8 county, can regulate the officers and employees
9 of the independent agencies. To the extent that
10 there is some compulsory action in the Charter
11 regarding the independent agencies that would
12 bind the agencies, themselves, then that would
13 be -- require either the Duval Delegation, the
14 legislative process, or the referendum process.

15 MR. AUSTIN: Okay. I'm still befuddled by
16 the necessity of all this. In the light of
17 what's going on, I don't see this great big
18 problem unless it's something I don't know
19 about.

20 THE CHAIRMAN: Commissioner Catlett, did
21 you have further questions that you want to --

22 MR. CATLETT: No.

23 THE CHAIRMAN: Okay. Commissioner
24 Youngblood.

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

1 Hey, Ms. Miller. A question for you on the
2 local Ethics Commission. Should it have
3 subpoena power, and are you recommending that
4 for the Ethics Commission?

5 MS. C. MILLER: I'm neutral on that. You
6 know, we already have people that do have
7 subpoena power that -- you know, one case every
8 three years where there might need to be a
9 record, you could get it either through the City
10 Council auditor or the executive director of the
11 City Council. You could provide for that in the
12 code.

13 I don't think that's a make/break issue. I
14 know that that's one of the recommendations of
15 the Ethics Commission, but as ethics officer, I
16 would say that for the one case out of a hundred
17 where that needs to be executed, we can get the
18 records. We don't need to have a citizen body
19 necessarily to have that power.

20 MR. YOUNGBLOOD: Right. You feel that that
21 should be left up to the State Attorney's
22 Office, then, you would agree?

23 MS. C. MILLER: Well, the State Attorney or
24 the mechanisms we already have in our Charter
25 for the City Council auditor and -- I think the

1 Inspector General should have that, and I think
2 we should change the code so the Inspector
3 General can get a subpoena out, as most
4 inspector generals can in the United States.
5 But I don't necessarily think you need to have a
6 citizen body have that, so I would differ from
7 the Ethics Commission on that.

8 MR. YOUNGBLOOD: Okay. At what cost do you
9 think this would take to facilitate this in the
10 City? And I echo the sentiments of
11 Commissioner Catlett.

12 MS. C. MILLER: Uh-huh.

13 MR. YOUNGBLOOD: Have you thought through
14 that?

15 MS. C. MILLER: Yes, I have.

16 MR. YOUNGBLOOD: What's that number?

17 MS. C. MILLER: If you think that you're
18 cheap, Commissioner Catlett, I am really
19 probably equally if not more cheaper than you
20 are in that I take a look at it and I see what's
21 happened in jurisdictions around the United
22 States, and I think, "We don't need that. We
23 don't need to duplicate what the State Ethics
24 Commission does," which is a good point that
25 Commissioner Miller brought up. We don't need

1 to duplicate it. Let's just take the resources
2 we already have and use them more effectively.

3 So I think we actually have the resources
4 within the current City budget to get an
5 effective group to do what needs to be done. I
6 think we already have it. We have an Inspector
7 General's Office with several positions. One
8 point, I think, one million dollars. We have an
9 ombudsman. We have my office, which is one
10 part-time person. But I think it's a
11 combination of what we already have, and I think
12 we can be very effective if we have some sort of
13 guarantee that there will be independence. And
14 some of that has to be worked out in the City
15 Council, and you already know because I have
16 sent you the ten points.

17 Some of the areas that we don't have
18 independence in for the Commission and for the
19 watchdogs, frankly, for the Inspector General
20 and for the ethics officer to speak out. There
21 are things that can be tinkered with there that
22 can ensure that we have a better system than
23 what we've got. I don't think it's going to
24 take very much money at all, maybe a secretary
25 position or something. We're not talking about

1 huge amounts of money because I think I can be
2 cheaper than Commissioner Catlett.

3 MR. YOUNGBLOOD: We heard from
4 Mr. Claypool -- Deputy Claypool last week or --
5 yeah, last week -- last Thursday. It was asked
6 of him, does the State afford any sort of
7 compensation or any of their budget to help the
8 local Ethics Commission since there are a bit of
9 redundancies in the event we put it in place?

10 MS. C. MILLER: Uh-huh.

11 MR. YOUNGBLOOD: Has that been asked of the
12 State?

13 MS. C. MILLER: Oh, yeah. I've had many
14 discussions with Phil Claypool about that. For
15 instance, if we had a hearing on a case here in
16 Jacksonville, could the State Ethics Commission
17 send one of their people down who does it all
18 the time to help out, you know, and we pay just
19 a daily rate or something like that? And they
20 don't have any jurisdiction to do that.

21 For our local Ethics Code, we will not get
22 any help from the State Ethics Commission. They
23 don't have jurisdiction to do it. In fact,
24 they're trying right now with the legislature to
25 get some additional jurisdiction just so they

1 can self-initiate complaints.

2 If they see something -- for instance,
3 let's say they saw something in Jacksonville and
4 they thought, "Oh, my gosh, that's a violation
5 of the state ethics law. That's really a
6 violation." What could they do? Nothing. You
7 know, they have to sit there and wait in
8 Tallahassee until someone -- a citizen here
9 files a complaint and subjects themselves to a
10 highly technical legal process.

11 So they will -- like, if a citizen here
12 signs a complaint and sends it up to them,
13 they're going to process it, but they are not
14 going to help us with our local initiatives.
15 They're not going to help with the Inspector
16 General system. They're not going to help with
17 the ethics officer system. They're not going to
18 help enforce our local Ethics Code because they
19 don't have the jurisdiction to do it. They'd
20 like to. You know, they'll certainly talk to us
21 on the phone and give us tips, but they're not
22 going to help us.

23 So they do what they do very well. You
24 know, they just -- there is a gap. There is
25 just a gap of what they don't do, and that's

1 what we need to have done at the local level
2 because citizens will find it easier to approach
3 a local Ethics Commission with concerns than to
4 file a sophisticated complaint at the State
5 level.

6 MR. YOUNGBLOOD: And one last question, on
7 the independent authorities, how does a local
8 Ethics Commission work with the independent
9 authorities, and does the Ethics Commission look
10 to govern or look into the ethics of the
11 independent authorities?

12 MS. C. MILLER: What you would do is -- the
13 only way that an Ethics Commission could
14 interact with an independent authority is as it
15 is determined in the Ethics Code by City
16 Council. So if City Council puts something in
17 there saying, "We don't want the consolidated
18 City of Jacksonville to have the following kind
19 of contract," and they put that in there and
20 they apply it to the local independent
21 authorities, if evidence comes in that that
22 particular thing has been violated, then only
23 that thing can go to the local Ethics
24 Commission. They don't get to interact in any
25 other way other than the specific powers that

1 have been given to them by City Council in the
2 Ethics Code. They would be constrained to only
3 handling what's in the Ethics Code.

4 MR. YOUNGBLOOD: Just as a follow-up to
5 what you've said, I agree with what's been
6 discussed, and, again, I echo the other
7 commissioners for the amount of work that
8 General Counsel Steve Rohan has put into it and
9 Commissioner Miller.

10 Thank you.

11 I don't want a duplicity of boards.

12 MS. C. MILLER: Uh-huh.

13 MR. YOUNGBLOOD: We need not more
14 information in our charter, but, again,
15 framework.

16 And do you feel there is a bit of duplicity
17 where the information that's been brought to our
18 attention is already in the State Ethics Code?
19 Would you still move forward with this same
20 information that you have given us today even
21 though there is a duplicity? Because it does
22 come at a cost. It's more bureaucracy.

23 MS. C. MILLER: Yeah. I don't see any
24 duplicity because we've got the State Ethics
25 Commission. And as far as I know, nothing in

1 our local code duplicates that. You know, they
2 are two separate things. Here's the State
3 Ethics Commission and state law, and here's what
4 we're doing over here at the local area -- you
5 know, local law, local commission. As far as I
6 know, there isn't any duplication.

7 And that makes it clear in what
8 Commissioner Miller has presented to you in that
9 sentence saying that, State -- if the State is
10 doing it, by Charter, we don't do it here
11 again. We don't duplicate. So you're --
12 actually, in this particular resolution, you are
13 preventing any kind of redundancy, and you're
14 making it clear that what the State does, the
15 State can do, and we are only handling local
16 issues that are in our local Ethics Code that
17 are determined by City Council. That is it,
18 what our local is -- local code different, no
19 duplication, no redundancy.

20 MR. YOUNGBLOOD: So you're not looking at
21 the legal issues, you're looking at potential
22 financial penalties into the City for those that
23 may violate the local Ethics Code?

24 MS. C. MILLER: That's something that City
25 Council can decide. I just think that if you

1 have someone who violates our secondary
2 employment laws and our local Ethics Code that
3 they shouldn't be over in the State Attorney's
4 Office. There should be a \$250 fine if they do
5 it. I mean, I think that that's something that
6 the City Council can determine. I think there
7 should be a fine option for people that have
8 some of these minor local offenses. You know,
9 if they get a summons from the State Attorney's
10 Office, it might be a bit of an overkill for
11 their first offense, so I think the fine option
12 is a good one.

13 On the other hand, there's a point that
14 in -- around the State of Florida some of the
15 minor ethics provisions have also been utilized
16 by the State Attorney's Office as a way to --
17 you know, if they have insufficient proof on one
18 thing, they can actually prosecute a local
19 ethics ordinance. So they like to have the
20 option of looking at the ethics ordinances too.

21 But I think really we have secondary
22 employment, we have gift laws, we have
23 post-employment laws at the local level that we
24 don't have at the state. We don't have them at
25 the state. So we have them in our local code.

1 Let's enforce them. You know, let's either
2 eliminate them or let's enforce them, one of the
3 two.

4 MR. YOUNGBLOOD: Thank you.

5 THE CHAIRMAN: Commissioner Miller.

6 MS. MILLER: Through the Chair, I actually
7 would like to address the Commission and just to
8 clarify my position in some of the statements
9 made.

10 And I asked Mr. Rohan, in terms of the City
11 Council's ability to amend the Charter, if the
12 City Council wanted to amend Subsection B
13 regarding in that particular sentence to change
14 the Ethics Code or the -- you know, whatever --
15 the Ethics Commission and the roles and duties
16 of the Ethics Commission, can the City Council
17 do that by majority vote?

18 MR. ROHAN: Through the Chair, the -- I'm
19 reading from the Charter, itself, right now.

20 "Any change in the Charter by ordinance
21 would require a referendum if it affected" --
22 "if it was related to an appointed board." And
23 since this would be an appointed board, it would
24 either be a referendum or the state
25 legislature. I just read that to make sure I

1 was right.

2 MS. MILLER: Okay. So even this proposal
3 would have to go to a referendum?

4 MR. ROHAN: Or the Duval Delegation, that's
5 correct.

6 MS. MILLER: Or the Duval Delegation for
7 changes to the legislature, okay. I just wanted
8 to make -- I just want to get the process
9 clear.

10 And just to clarify, there were a few
11 statements made regarding Mr. Rohan's
12 memorandum. If you go to -- and I don't have it
13 to copy for you. But if you go to Florida
14 Statutes, Chapter 112, Section .313, it's
15 standards of conduct for public officers,
16 employees of agencies and local government
17 attorneys, and this addresses Mr. Catlett, who
18 is not here, and his earlier point.

19 The standards of conduct very specifically
20 says, for example, misuse of public
21 position, "No public officer, employee of any
22 agency or local government attorney shall
23 corruptly use or attempt to use his or her
24 official position or any property or resource
25 which may be within his or her trust to perform

1 his or their official duties to secure a special
2 privilege, benefit, or exemption for himself or
3 herself or others." And there's some
4 construction language there.

5 But my point is this is not aspirational
6 language. It is a standard of conduct in
7 statute for those people. So, again, I just
8 wanted to clarify, and it addresses a question,
9 I think, a few of you have raised.

10 The state rules are not aspirational.
11 They're required, and there are penalties for
12 that. And that gets me to the role of
13 Commission on Ethics, and I think we have
14 some -- a letter -- a well-stated letter from
15 Leslie Goller on the issue.

16 And it's unfortunate that some see the
17 Commission on Ethics process as difficult, but
18 it is in many ways like a court. Courts don't
19 go out and find complaints. They hear
20 complaints. They don't have jurisdiction for
21 that. There are people who are empowered to
22 bring complaints: the Attorney General, the
23 State Attorney. They have the -- they have
24 rules that they have to go by. Probable cause
25 standards, they have to present evidence,

1 affidavits, sworn testimony before -- and it's
2 all about due process. It's about our
3 constitutional right.

4 So if you are accused of something, you
5 have at least some confidence that the rule of
6 law will -- that whatever comes out of that
7 process has gone through a full vetting
8 process. And I think what we heard from
9 Mr. Claypool is that is the majority of their
10 budget. They spend a tremendous amount of time
11 on investigators, paying the Division of -- you
12 know, Department of Administrative Hearings in
13 front of administrative law judges, and they
14 even have a few that have to pay the Attorney
15 General's Office prosecute for lawyers to
16 prosecute these claims.

17 So there's -- it's unfortunate that it's
18 seen has as hurdle, but the rule of law should
19 not be a hurdle because it protects all of us.
20 It's the constitution.

21 And that's my soapbox on that one.

22 But I will say my intent with this is to:
23 A, reflect the -- what I heard from -- what I
24 have heard from this commission, to reiterate a
25 policy and intent, and then to leave it to our

1 elected leaders -- the people we elect to do
2 this, the City Council and the mayor -- to
3 determine roles, responsibilities, et cetera. I
4 do think there's a role, and we can make it
5 clear.

6 What I have heard is the frustration with
7 the process, the frustration with the process.
8 I'm not appointed here to say what is and what
9 is not corrupt behavior because, as Ms. Miller
10 said, the public standard is very different than
11 the legal standard. And, again, we get back to
12 the requirements of law to prove something like
13 that up, so --

14 So what I'm trying to do is strike a fine
15 balance between providing the authority for some
16 organizational process that will make our Ethics
17 Code and Commission approachable by an employee,
18 by a citizen, so it's more user friendly in a
19 way. And so that that -- and then so that that
20 commission and the support staff can facilitate,
21 coordinate, educate, and refer, if necessary,
22 and there are bodies to refer that to.

23 That's my intent, and I think I've heard
24 that from some of you, maybe not all of you, but
25 that's my intent in presenting this.

1 THE CHAIRMAN: Commissioner Garvin.

2 MS. GARVIN: First of all, I want to say
3 thank you, Commissioner Miller. I think this is
4 excellent.

5 From all that I've listened to and heard, I
6 think that the citizens of Jacksonville want
7 this. I think it gives confidence -- and more
8 confidence in our government by having an Ethics
9 Commission and a Code of Conduct or a Code of
10 Ethics. My only concern has been all along is
11 that it adds bureaucracy or adds dollars to
12 what's going to happen down the road. You know,
13 we can sit here today and say, "Oh, we can take
14 it out of the existing budget." But I look at
15 other commissions and other boards and
16 authorities and they start out that way, but
17 they have a way of mushrooming and growing.

18 And so as a citizen, that would be my
19 biggest concern. I think we need it. I think
20 the language is great, and it's a good job. My
21 concern -- and I guess that's a legislative
22 issue. Maybe the City Council has to put those
23 reins on it. I'm not sure. I need some help in
24 that direction.

25 Would that be limited by the City Council?

1 THE CHAIRMAN: Well, I would refer to
2 Mr. Rohan.

3 MR. ROHAN: Forgive me. I'm not sure I
4 understand the question.

5 What this Charter provision provides for as
6 proposed by Commissioner Miller is to establish
7 a policy and to direct the City Council to
8 establish a code and a commission and leaves it
9 within the province of your elected City Council
10 to determine what goes in the code and the full
11 extent of the Commission. It provides a little
12 guidance as to what the Commission will do, but
13 not a lot, some basics, but that's it. And so
14 that would be up to your elected City Council.

15 MS. GARVIN: That answers my question.

16 THE CHAIRMAN: Commissioner Flowers, I saw
17 you in the queue earlier. Did you --

18 MR. FLOWERS: Yes. Thank you,
19 Mr. Chairman.

20 Ms. Miller, you mentioned two letters that
21 you received, one from the League of Women
22 Voters and the other from the NAACP. And I
23 would like for you to give me your
24 interpretation of what they're implying as a
25 community in that we have a problem in our

1 community that wrote you that one letter with
2 the perception of transparency. And a lot of
3 our conditions that we describe and sometimes
4 being handled with legal manipulation, for
5 example, when we were dealing with the Trail
6 Ridge, how that was handled has caused a lot of
7 conversation in the Black community.

8 And I was wondering if -- could you give us
9 the import of what those letters were saying
10 from the League of Women Voters and the NAACP?

11 MS. C. MILLER: And also the Concerned
12 Taxpayers, who really took a look at the budget
13 issues. And for them to come out in support of
14 anything that might involve dollars, it's hard
15 for them to do.

16 I would say the one word that comes across
17 stronger than any other word is "independence."
18 The citizens want to trust the institution that
19 we've put there. They want to make sure that
20 it's not under any undue influence and that
21 whistle blowers that come forward have
22 protection. They want to know that we have got
23 a watchdog, not a lap dog. And they clearly,
24 clearly want that word "independence" there.
25 That's symbolic. It is showing an intention to

1 the City Council that when we actually put this
2 together that the citizens have a very strong
3 intention that independence is the overriding
4 concept that we need to have in there. That
5 comes out very, very strongly.

6 And the citizens -- I guess if I were to
7 pick a second word is they want "transparency."
8 And they don't want complicated legal
9 explanations. They want transparency, and they
10 want things straight. And so we have to provide
11 that to them. I think it's essential. I think
12 it's just really essential.

13 THE CHAIRMAN: Commission Flowers, did that
14 answer your question?

15 MR. FLOWERS: Yes.

16 THE CHAIRMAN: Okay. Mr. Rohan.

17 MR. ROHAN: And, for the record, I think
18 the record should show this to Mr. Chairman and
19 members of the Commission. As drafted,
20 Ms. Miller's charter amendment does not provide
21 for an Ethics Commission that will oversee the
22 City Council, that will evaluate the business
23 judgment to the City Council, that will evaluate
24 the transparency of the City Council or the
25 School Board or any other agency of the City.

1 As drafted, this charter amendment will
2 provide for the council to establish an Ethics
3 Code, ethics laws, and for the Commission to
4 oversee the enforcement of those provisions --
5 specific provisions, not just to be the
6 community watchdog.

7 THE CHAIRMAN: Commissioner Oliveras.

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

9 And I would just like to throw my hat in on
10 commending Commissioner Miller on putting this
11 together and Mr. Rohan's work.

12 I'm just wanting to state that I am in
13 favor of adding the language for the hotline in
14 the code -- in the ordinance -- excuse me, in
15 the Charter itself when we get to that point in
16 the discussion -- in the debate unless
17 Commissioner Miller is interested in adding
18 that -- or I would offer that as an amendment.

19 I think it is important for the citizens,
20 that they know that they have the trust of their
21 elected, appointed officials in this city. And,
22 you know, I do not believe that we have a huge
23 ethics problem in our City government. I think
24 what we have is a situation where citizens may
25 be unclear as how they access that. Citizens

1 may not know how it works.

2 And I think that giving the access of a
3 hotline in the Charter sends a strong statement
4 of fidelity with the citizens of this community
5 that the leaders of this community respect them
6 and make that available no matter when, no
7 matter what, for them to make contact on these
8 issues.

9 THE CHAIRMAN: Thank you,
10 Commissioner Oliveras.

11 Commissioners, I don't have anybody else in
12 the queue. It's a quarter to 12. My intention
13 would be, consistent with the way we treated the
14 consideration of Commissioner Oliveras'
15 strategic plan amendment and Vice Chair
16 O'Brien's pension impact statement amendment, to
17 hold this matter over for a final vote till next
18 meeting, so it will give everybody time to
19 review this, think about it. If you want to
20 offer an amendment perhaps at the next
21 meeting -- because I would like to get the
22 public comment because we did not have it last
23 meeting.

24 And I still think we're going to run a
25 little long, but I'm committed to staying.

1 Commissioners, if you have time
2 commitments, I understand if you need to leave,
3 but I will stay until we have heard from the
4 public since we don't have Planning Commission
5 today.

6 So unless anybody feels very strongly about
7 that, we'll take this up again at our next
8 meeting. And I'm sure that if anybody, in
9 thinking about it over the week, has refinements
10 or amendments, I'm -- certainly, I think, we're
11 all happy to talk about that next week as well.

12 COMMISSION MEMBERS: (No response.)

13 THE CHAIRMAN: All right. Thank you again,
14 Commissioner Miller. I know you have to leave
15 for a commitment, and I know that
16 Commissioner Korman did as well.

17 So we'll move to public comment. Our first
18 speaker will be Patt -- I'm sorry.

19 MS. C. MILLER: Thank you.

20 THE CHAIRMAN: Yes. Thank you,
21 Mrs. Miller. I really appreciate it very much.
22 Patt Sher.

23 (Audience member approaches the podium.)

24 AUDIENCE MEMBER: Good morning.

25 THE CHAIRMAN: Good morning. Welcome.

1 AUDIENCE MEMBER: Thank you.

2 THE CHAIRMAN: Go ahead. Name and address
3 for the record.

4 AUDIENCE MEMBER: Patt Sher, 2742 Beauclerc
5 Road, Jacksonville 32257.

6 THE CHAIRMAN: We don't -- for public
7 comment, we don't swear in our speakers.

8 MS. SHER: Oh, all right.

9 THE CHAIRMAN: Thank you.

10 MS. SHER: I won't belabor this. I know
11 that you're already over your time that you run,
12 and we appreciate your consideration of these
13 matters.

14 I just want to say that I have just
15 completed a term as an ethics commissioner, and
16 maybe what you need to understand is how much we
17 do hear from the citizens and how grateful the
18 citizens are for our presence and our
19 activities.

20 Whether or not you believe there are ethics
21 concerns and violations in the City, the
22 citizens do, and we hear from them. And I think
23 it comes down to how much of -- as Commissioner
24 Oliveras said, it's the fidelity to the public
25 trust that's at issue here.

1 We have concerns from the citizens, and
2 they have been very forthcoming in their support
3 of the Ethics Commission and in their
4 expressions by virtue of the number of hot mail
5 [sic] calls we take.

6 For those of you who aren't aware of this,
7 all of our hotline calls and the resolutions are
8 on the Ethics Commission website.

9 One point that wasn't made -- and I think
10 the salutary effect of this kind of a program
11 can eventually result in fewer ethics problems.
12 Many of them we heard about at the very earliest
13 stages of potential trouble. We worked with the
14 Inspector General who got the data. We got in
15 there. Things were settled, and funds were
16 repaid to the City. Incidentally, money was
17 saved for the City by virtue of this early
18 intervention, and so I just wanted to make that
19 point.

20 The independence is critical, as I think
21 you have heard enough of from the various groups
22 that have written you and from Carla. I have
23 seen why it's critical serving as a
24 commissioner.

25 Carla reporting to the mayor and the City

1 Council can sometimes be an untenable situation
2 for her. She's supposed to be there handling
3 the concerns of citizens, as is the Commission,
4 and she's under the very watchful eye of the
5 City Council and the mayor. And I think
6 sometimes we need to be able to step back from
7 that and undertake investigations. And with
8 good work, we head it off at the start of any
9 kind of confusions or concerns about ethics
10 violations.

11 So I just wanted to offer that brief view
12 from a former commissioner, and I thank you for
13 your time.

14 Any questions?

15 THE CHAIRMAN: I have nobody in the queue.
16 Thank you, Ms. Sher.

17 MS. SHER: Good timing.

18 THE CHAIRMAN: We appreciate you coming
19 down and sharing your perspective. Thank you
20 for your service on the Ethics Commission.

21 Our next speaker is Billee Bussard.

22 (Audience member approaches the podium.)

23 AUDIENCE MEMBER: Billee Bussard, 16 Hopson
24 Road, Jacksonville Beach, Florida.

25 I hope you folks have had an opportunity to

1 read the Bracey Report, which I forwarded to
2 Mr. Clements, which addresses the mayoral
3 control of schools. Your vote on the mayoral
4 control of schools, each one of you, is really
5 very much related to ethics issues. They're --
6 I think any -- it behooves every member of this
7 commission when they vote to reveal whether or
8 not they are representing or have represented or
9 have ties to any organization that hopes to have
10 a charter school contract, an educational
11 management organization, or other groups other
12 than public school groups.

13 There is money to be made in the
14 privatization of schools. That's what my book
15 is. It has been tracking since 1992 when I went
16 to work for the Florida Times-Union.

17 One of my first clues of the corporate
18 takeover of America's education was the
19 EducationInvestor newsletter which tracks how
20 companies can profit from the privatization of
21 schools and education management organizations.

22 So I would certainly urge you to look at --
23 to reveal that, any potential conflicts of
24 interest.

25 Mr. Eddy, I respectfully have to say,

1 regurgitated a lot of the information that has
2 been generated in books that have been produced
3 and funded by some of the very same people that
4 want -- hope to profit from privatized public
5 education.

6 I would like to see this group take a
7 closer look at the data on the KIPP schools.
8 They are -- when I was asked to speak on
9 national television on the year-round school
10 program, I was given -- I was privy to a lot of
11 information that has yet to be published on KIPP
12 schools showing -- the progress is not much
13 different from surrounding districts where these
14 experiments have been tried.

15 I guess my time is out. I will continue to
16 try to send you information, but please do read
17 the Bracey Reports, and please reveal if you
18 have any ties to private efforts or charter
19 schools when you vote. I think the public has a
20 right to know.

21 Thank you.

22 THE CHAIRMAN: Commissioners, I think I
23 know what Ms. Bussard is, I think, implying, and
24 I know that Commissioner -- excuse me, School
25 Board Member Hazouri referenced it in a radio

1 interview that he made last Thursday suggesting
2 that there's some type of special interests on
3 the part of some of our commissioners who might
4 have an outcome in what we recommend.

5 I represented the KIPP school in the zoning
6 exception application recently to convert the
7 old Jacksonville Kennel Club facility into their
8 school. The Jacksonville Kennel Club donated
9 the building to them, but it does not have
10 the -- it did not have the correct zoning to be
11 a school, and so they needed a zoning exception
12 from the Planning Commission.

13 I know Mr. Majdanics, who is the executive
14 director of the KIPP school, from Leaders of
15 Jacksonville. We were in the class together
16 last year. And I represented the KIPP school in
17 obtaining that zoning exception from the
18 Planning Commission on a pro bono basis. But
19 the KIPP school already had been granted their
20 charter by the Duval County School Board. They
21 are not a client of mine or my firm. I'm a land
22 use attorney, so representing them was right in
23 my -- right up my alley. That's what I do at my
24 day job.

25 So to the extent that anybody feels that's

1 a conflict of interest, I would submit that it's
2 not. In fact, the lobbyist disclosure laws of
3 the City only require you to disclose your
4 lobbying interests if you are receiving
5 compensation, and I did not because I
6 represented them on a pro bono basis, although I
7 did file the disclosure. So I will just go
8 ahead and put that out there.

9 Our next speaker will be Martha Shirko.
10 (Audience member approaches the podium.)

11 AUDIENCE MEMBER: Good afternoon.
12 Martha Shirko, 3739 Tally Court,
13 Jacksonville 32207.

14 And thank you for the opportunity to
15 address this esteemed commission.

16 A lot of you don't know me, but I've spent
17 thousands of hours at the City Council committee
18 meetings, at Ethics Commission meetings, and let
19 me tell you, we need an Ethics and Inspector
20 General that is not a toothless tiger. They
21 need to be totally independent, and I personally
22 believe, but I don't want to bog down any
23 progress, they need subpoena powers.

24 The -- in the past, I've attended -- and
25 this is not going to be a nice comment -- the

1 Ethics Commission meetings. And at one meeting
2 I was at -- and I really had something important
3 to me to speak to -- they were more concerned
4 with doing their Christmas party that night.
5 Well, I got so aggravated, I left. I said, You
6 know, you can do your Christmas party on your
7 own time. This is scheduled as an Ethics
8 meeting.

9 And that's prior to Carla being -- she was,
10 at that time, a volunteer and not a paid ethics
11 person.

12 I believe it's very important, and I
13 believe it's as important as the mayor's salary
14 that she be compensated for the job she's
15 doing. And as a taxpayer, this is definitely
16 needed. We, the public, have so much distrust,
17 not at the local -- not just local level, state
18 level, but at the federal level and all levels
19 of government at this time. It actually makes
20 me sick.

21 And, Mr. Austin, I know I maybe shouldn't
22 address you personally, but --

23 THE CHAIRMAN: Ms. Shirko, we are following
24 a rules of procedure for all of our speakers to
25 address their comments to the Commission as a

1 whole and not to any individual commissioners.

2 MS. SHIRKO: Okay. Thank you.

3 THE CHAIRMAN: So we're not treating you
4 any differently.

5 MS. SHIRKO: Let me bring up two items that
6 I feel that the ethics office should have been
7 more involved with. Number one was the
8 courthouse fiasco and all the meetings that were
9 not in the Sunshine -- in the public.

10 I attended every courthouse meeting that I
11 knew was a noticed meeting, but there were many
12 meetings that were not noticed meetings that
13 were put on the bulletin board, and I don't come
14 to City Hall ever day. And I have tell you,
15 I've been away for three years, but I'm well and
16 I'm back.

17 Also, the courtyard -- the shipyards
18 fiasco, that \$40 million we paid in error to the
19 shipyards, how desperately we needed it that
20 year. Well, I know they all went to the grand
21 jury, and the grand jury came back no issues, no
22 violations, no criminal violations. Well, in my
23 heart, I believe there should have been --
24 someone should have paid, and someone should pay
25 for the overspending on the courthouse.

1 We need the legs and the wherewithal to go
2 after those subcontractors or whomever that
3 spent the money that wasn't spent in my best
4 interest.

5 And I wholeheartedly support not only the
6 Ethics Commission being paid and having total
7 independence and the Inspector General's Office,
8 but I also support an appointed by the mayor
9 school system that I hope we pursue and -- with
10 great vigor. And I do plan on attending the
11 future meetings.

12 Thank you for the opportunity to speak.

13 THE CHAIRMAN: Thank you, Mrs. Shirko.

14 Our next speaker is Celia Miller.

15 (Audience member approaches the podium.)

16 THE CHAIRMAN: Welcome, Mrs. Miller.

17 AUDIENCE MEMBER: Thank you.

18 THE CHAIRMAN: Please give us your name and
19 address for the record.

20 AUDIENCE MEMBER: Celia Miller, 1440 North
21 Myrtle Avenue, 32209.

22 I'm a native born Jacksonvillian, and I've
23 been back in Jacksonville 33 years. I didn't
24 really come prepared to speak, but when I was in
25 college, in a private college, my best paper was

1 written on the topic of the Jacksonville public
2 schools and the horrible state of condition it
3 was in, and you can tell I've been out of
4 college quite a long time. And here we are
5 today with my being a grandmother still
6 discussing the state of Jacksonville's public
7 schools.

8 I received a very good education from the
9 public schools of Jacksonville, Florida in a
10 segregated system. But, fortunately, I was from
11 a very good family with good parents.

12 Jacksonville has become a Tale of Two
13 Cities, and a lot of our citizens and our
14 children are subject to the ills of this
15 society, which in part comes from the corruption
16 that exists here. We have been plagued with
17 corruption since maybe the citizens were
18 crossing the Cowford water path.

19 But what I would like to point out is that
20 Mr. Ballentine's report was very thorough, but
21 it did not hit the crux of the problem. We are
22 not addressing the needs of the children of our
23 city, of our state, of our country. Our country
24 was recently ranked as the 37th power in the
25 world. We are no longer the number one world

1 power leader.

2 Jacksonville needs to address its ills.
3 People in this city are hurting. We have many
4 social problems, economic problems, and
5 everybody is having to do more with less. The
6 City needs to separate its power. We need more
7 independence. We need the people to be heard.
8 The people are coming and speaking up, and our
9 commissions are not listening. Our City Council
10 is not listening. They are not being
11 accountable to the constituents that elect them,
12 and there's clear evidence that our elected
13 officials are accumulating personal gain.

14 How can City Council representatives
15 accumulate wealth on a part-time salary of less
16 than \$45,000 per year? So that in itself to me
17 indicates some degree of corruption.

18 And I would like, before I end, to indicate
19 that the school board and the City Council needs
20 to address full services for our students, and I
21 did tell everything -- the former lady spoke. I
22 forgot her name. I'm sorry -- except for an
23 appointed school board. The people need to be
24 involved. We need to retain the power that we
25 have in electing our officials for our school

1 system and for our safety system, and the
2 authorities for ethics needs to be independent.
3 We do not need the City policing or enforcing
4 its own entity.

5 And I would trust you-all to do the right
6 thing, use some common sense so that we can
7 create some trust in this city, and this city
8 can move on to rightfully claim to being a bold
9 new River City.

10 Thank you very much.

11 THE CHAIRMAN: Thank you, Mrs. Miller.

12 Our next speaker is Stanley Scott.

13 (Audience member approaches the podium.)

14 AUDIENCE MEMBER: Stanley Scott.

15 Happy New Year.

16 Yes, we can take all day and the next
17 couple of years talking about public trust in
18 this city. I think that -- that left with the
19 shipyard.

20 I heard something very important here.

21 "Insanity," good word; "special interest," good
22 word.

23 I heard some information from the school
24 system that I was totally disappointed with.

25 They showed all the positive, but did not want

1 to deal with the negative. And for someone to
2 be in his capacity and to not be able to answer
3 the questions, it's disappointing, and I will
4 address that when I go to the school board. I
5 was totally disappointed with that because
6 that's information -- those questions that y'all
7 asked, he should have been able to answer.

8 Okay. We have a lot of things going on
9 with these failing schools here, and it has to
10 also do with community environment. (Inaudible)
11 within the school leadership in the district is
12 one of them.

13 You know, one thing I want to definitely
14 say that I'm asking this commissioner here, why
15 are y'all not setting a date for the public to
16 come in and speak without being on the clock? I
17 think that's disingenuous to the community
18 because we are the people that's out here every
19 day working, paying these taxes, these fees that
20 they call them.

21 Another important word, "due process."
22 There's already laws on the books that are not
23 being followed. That's why we do definitely
24 need an Ethics Commission, independent
25 inspector. The Commission should be funded

1 through the Jacksonville Journey. Let's make
2 this easy. Let's not go through all these
3 changes here. We know that we have these
4 problems in this city.

5 Police -- and what I was -- even though I
6 have plenty of love for Ms. Miller, Carla Miller
7 there, I was disappointed when she wanted to
8 play with the word "corruption." Corruption is
9 corruption. It is a noun.

10 One thing that the citizens in this city
11 need -- definitely need is some simplicity and
12 action and due respect. You have too many
13 elected officials in this city doing whatever
14 they want to do because of political
15 correctness. Yes, because they are part of some
16 party, mainly the Republican party. And I'm
17 going to call it like I see it. The Republican
18 party in this city is definitely doing an
19 injustice to this city. And for some of you to
20 be members of the Republican party and go along
21 with this, I'm totally disappointed.

22 But also one thing I definitely want as far
23 as the school system is concerned, we want the
24 best teachers in the low-performing schools
25 because you have these teachers that have their

1 little connection with different people.
2 Administrators, they get the best schools when
3 they need to be in the low-performing schools.

4 Now, something is wrong. You have two of
5 the best schools in the country, but on one side
6 of town, they're failing. I will send you my
7 report.

8 And we definitely need an Ethics Commission
9 independent of the General Counsel too because
10 they work for the mayor.

11 THE CHAIRMAN: Thank you, Mr. Scott.

12 Our next speaker is Derek Bermudez.

13 (Audience member approaches the podium.)

14 THE CHAIRMAN: Name and address for the
15 record, please, Mr. Bermudez.

16 AUDIENCE MEMBER: Derek Bermudez, 303 East
17 21st Street.

18 I really can't say much that they really
19 already done said. And I know I'm coming down
20 to City Council, them coming and being aware of,
21 you know, how all this stuff works.

22 I took time to read called "The Quiet
23 Revolution" on the whole consolidation of the
24 City of Jacksonville. So when I came down to
25 see what y'all was doing, I was like, "Wow."

1 You know, so as I look at conditions and
2 what's going on today and I read from what I
3 learned back then on how we consolidated
4 government so that government could work for all
5 races, colors, and creed; and high crime in the
6 African-American community; failing schools all
7 across the city of Jacksonville. And I see
8 what's going on now, it's like ain't much really
9 changed. I don't want to come down here and,
10 you know, like, talk bad about anybody or, you
11 know, all that type of stuff or be
12 disrespectful, but I really want to try to
13 comment and help y'all get some solutions.

14 I know as far as me going through the Duval
15 County public school system, I was labeled as an
16 ESE student, special ed, and whatever else they
17 called me, or whatever, but, you know, I really
18 didn't pay attention to that because I know what
19 I know, and I am who I am. I don't have any
20 problem with, you know, being ashamed for none
21 of that stuff because, you know, it's my
22 self-confidence that I'm dealing with.

23 So I just hope that, you know, coming down
24 here and really seeing on the history and
25 culture and transparency and learning about due

1 process and equal rights and justice and seeing
2 who some of our schools are named after, people
3 who founded the KKK. You know, I know about
4 Andrew Jackson and all that type of stuff, and
5 just to see all these monuments, not just in
6 Jacksonville, but I took a trip to Washington,
7 D.C. And I'm like, these people didn't believe
8 in equal rights. Half of these people owned
9 slaves and, you know, all that type of stuff.

10 You know, so I just hope that our country
11 and just looking at the state of the union, you
12 know, just seeing how one-half of the room
13 standing up, the other half sitting down, that
14 was just total disrespect. You know, I don't
15 know, man. I don't know what we could come up
16 with in what's going on in our community, but I
17 think that we need some type of social justice
18 and economical justice, you know, for all
19 citizens.

20 You know, I know that a lot of y'all
21 history and culture or y'all parents taught
22 y'all to have pride and, you know, to burn
23 churches and to lynch people and do all that,
24 but I just think that that's not appropriate to
25 have schools and to have children of

1 African-American descendents going to schools
2 that's named after these people, and they don't
3 see -- and they're not against any of that
4 stuff. You know, I just -- I really don't know,
5 you know, what y'all are going to do or what
6 recommendations y'all can come up with.

7 But, you know, these people are absolutely
8 right. You know, 100 million or more went in
9 the courthouse project. We did a grand jury
10 investigation. Nobody found guilty. You know,
11 so we could investigate. We could keep coming
12 up here and lying to ourselves and
13 saying, "Yeah, everything is working, play with
14 numbers, play with the paperwork, and do all
15 that stuff." But at the end of the day, reality
16 is there's more kids in the prison system and
17 killing each other for the past ten years.

18 And to -- you know, I don't want to bash
19 the guy from the public schools, but to hear
20 that out of 20 high schools, 13 of them were
21 C schools or below, you know, that's
22 unacceptable. That's -- you know, those numbers
23 are not accurate.

24 So thank y'all for allowing me to speak,
25 and I just hope that y'all really could come up

1 with a positive solution to help all of mankind
2 out.

3 Thank you and have a blessed day.

4 THE CHAIRMAN: Thank you, Mr. Bermudez.

5 I also encourage you to go address the
6 school board as well on the issue of the school
7 naming issue. They have direct control over
8 that issue, and I think they would benefit from
9 hearing your perspective.

10 MR. BERMUDEZ: Okay. Thank you.

11 THE CHAIRMAN: Thank you.

12 Our next speaker is Ysryl.

13 (Audience member approaches the podium.)

14 THE CHAIRMAN: Good afternoon, Ysryl.

15 Name and address for the record.

16 AUDIENCE MEMBER: Good afternoon.

17 How are y'all doing?

18 Ysryl, 303 East 21st Street.

19 One of the things I would really like for
20 us to say -- and let me say this first, my
21 glasses is about my eyes, so I'm not being
22 cool. And I have to clear that up because a lot
23 of times people see me in the streets and say,
24 "Oh, you was trying to be cool," but I wasn't
25 trying to be cool. The light hurts my eyes.

1 One thing I'd really like for us to focus
2 on -- and we might as well face the facts. As
3 much as Jacksonville is trying to move forward,
4 we still live in a city where a lot of cronyism
5 still is in play.

6 And one thing I must say and one thing I'm
7 not ashamed of is being a Republican myself. I
8 do agree that our system has problems, and it's
9 not just the Republicans that's creating a
10 problem. It's also the Dixocrats that's
11 creating a problem more so than the Republicans
12 because I know quite a few Republicans from all
13 nationalities and I know Democrats as well, and
14 they both have a concern and a compassion about
15 the changes in Jacksonville and the state of
16 Florida. So I do agree with -- that we do have
17 some problems.

18 Something that we have to focus on, as much
19 as I hate to say this, knowing that we're in the
20 21st century, to be able to -- to elect a
21 sheriff. I don't think Jacksonville is ready
22 for an elected sheriff. I think Jacksonville
23 needs to have -- I'm not -- I'm sorry, not
24 elected, appointed sheriff. And I think that we
25 have to stay focused on the behavior and the

1 different things that takes place. Even as we
2 speak today, there are things going on in this
3 city right now that perpetuates cronyism,
4 favoritism, and everything that it takes to
5 separate our city.

6 And I would also like for us to understand
7 that -- I lost my thought.

8 I would also like for us to understand that
9 we do need an oversight committee for the
10 sheriff's department. We most definitely need
11 that. Without that, we -- we're really headed
12 into more destruction than what we have.
13 There's a lot of things happening in the sheriff
14 department. I'm not saying that all the
15 sheriffs -- I mean, all the officers are bad
16 officers. And the same thing even -- I don't
17 know if you-all would have any recommendations
18 y'all can impose, a -- a recommendation even to
19 the court system.

20 We have young people going through the
21 court system being tried as felons. We have
22 young people going through the court system
23 without truly understanding. The judge ask them
24 do they understand, but if you listen to them
25 explain themselves, they has no clue what they

1 just fined on.

2 And I'm looking forward to being more
3 involved, and I kind of came in at the last
4 moment on this deal.

5 And I wish you-all well and have a good
6 weekend.

7 THE CHAIRMAN: Thank you, Ysryl.

8 Our last speaker is Mr. Nooney.

9 (Audience member approaches the podium.)

10 THE CHAIRMAN: Good afternoon, Mr. Nooney.

11 AUDIENCE MEMBER: Good afternoon.

12 My name is John Nooney, 8356 Bascom Road,
13 Jacksonville, Florida 32216.

14 First, I just want to thank all of you for
15 your voluntary service to this commission.

16 Two things I just want to touch on. You
17 know, when I first came here and addressed this
18 commission -- you know, the public trust in this
19 city has been just destroyed and you really have
20 an opportunity right now to regain that public
21 trust, and I hope that it is, you know, through
22 the Ethics Commission and the recommendations.

23 And I think the one real thing about the
24 original Code of Ethics that was in our Charter
25 were the penalties for the abuse of the people

1 that violated the public trust. And there are
2 just dozens of newspaper articles that I could
3 just share with you. But, you know, here's one
4 just back in September, the Ed Ball building
5 workloaded with red flags. You know, the City
6 says the building's property manager will lose
7 about 1.2 million. Next day, the Ed Ball
8 overseer resigns.

9 You know, this was the one that always got
10 me was, you know, former City Councilwoman goes
11 to court for a guy that stole \$95,000 from the
12 City fund. That was the JEDC. State Attorney
13 wanted to prosecute. What happened was, you
14 know, that the judge, you know, gave him
15 probation. And if this person is a City
16 employee, you know, there was claw-back
17 provisions.

18 You know, in the Code of Ethics, that could
19 just recoup the money. So when you talk about,
20 can these things pay for themselves? Sure, they
21 can.

22 And never forget shipyards, I mean,
23 \$40 million gone. I mean, there are dozens and
24 dozens of examples that I could just be sharing
25 with you.

1 So it is imperative that, you know, you
2 make the strongest recommendation you can to the
3 City Council. You can just hold your head up
4 high for the next ten years. You can sleep at
5 night just knowing that you just did the best
6 thing that you could do for this community. And
7 it's out of your hands, but you took that ball
8 and you just threw it into the end zone. You
9 scored a touchdown.

10 Now, the next topic, I just want to share
11 with you very briefly, this was the agenda from
12 the July 16th first Charter Revision Commission
13 meeting. There wasn't an opportunity for public
14 comment, but since then, it has appeared on the
15 agendas. And I'm sure it was just a slight
16 oversight. But what I want to share with you
17 too -- and -- I'm going to hate to see you guys
18 go. I really am.

19 And I shared with you that right now there
20 is an ordinance before the Jacksonville City
21 Council. It was 2009-611, which would have put
22 back an additional period of public comment at
23 the end of the Jacksonville City Council
24 meeting. It was withdrawn. Now, it's now
25 2009-895. You know, I've gone to five committee

1 meetings in a row. It keeps getting deferred.
2 I was hoping that they would have passed the
3 legislation before this commission expired.

4 You know, I'll keep you posted, but, here
5 again, free speech. And that is why it's so
6 important with what you're doing with the ethics
7 to get it back because unless they pass this
8 ordinance, here's another example where the
9 public trust is just being destroyed.

10 Okay. Thank you for listening.

11 THE CHAIRMAN: Thank you, Mr. Nooney.

12 Commissioners, any other further comments
13 or questions?

14 COMMISSION MEMBERS: (No response.)

15 THE CHAIRMAN: We're adjourned.

16 Thank you.

17 (The above proceedings were adjourned at
18 12:20 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 9th day of February, 2010.

Diane M. Tropa