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CITY OF JACKSONVILLE  
CHARTER REVISION COMMISSION  
MEETING

Proceedings held on Thursday, February 11,  
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           Let's begin with the Pledge of Allegiance  
2           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, Mr. Chairman.

7           THE CHAIRMAN: If you would take us through  
8           the packet of materials in front of us.

9           MR. CLEMENTS: Yes, sir.

10           In addition to your agenda and transcript  
11           of last week's meeting, you will find a memo to  
12           Jeanne Miller from Steve Rohan on the subject of  
13           charter schools. You will find an e-mail from  
14           Carla Miller to the Commission with some  
15           clarifications on her position regarding various  
16           ethics issues.

17           You will find a copy of the remarks that  
18           Mr. Lee will be making in his presentation.  
19           It's in the form of a letter to the Commission  
20           dated February 11th. You will find a copy of  
21           the PowerPoint presentation that would have been  
22           Dr. Wong's presentation had he been able to get  
23           here today from Rhode Island.

24           (Ms. Herrington enters the proceedings.)

25           MR. CLEMENTS: You will find a letter to

1 the Commission from Jim Rinaman on the subject  
2 of elected versus appointed school boards, and  
3 behind that you will find voluminous  
4 correspondence from the general public to you on  
5 a variety of subjects.

6 THE CHAIRMAN: Thank you, Mr. Clements.

7 Well, Commissioners, as Mr. Clements  
8 alluded to, unfortunately Dr. Wong couldn't make  
9 it. He teaches at Brown, and the airport in  
10 Providence was shut down yesterday at about  
11 2 o'clock because of the snowstorm. So we will  
12 not be hearing from him today, but we do have a  
13 copy of his PowerPoint presentation. I  
14 encourage all of you to review it.

15 I would draw your attention to --  
16 unfortunately, it's not paginated, but I asked  
17 him if there was really a summary in the  
18 material that he would point us to as kind of a  
19 one-page -- or one or two pages. There's a  
20 slide about four or five or six pages in  
21 entitled, Does Mayoral Accountability Raise  
22 Student Performance, and there are several  
23 bullet points there that I will just read at his  
24 suggestion as kind of a summary of his  
25 findings.

1           It says, "Mayoral accountability has a  
2           statistically significant positive effect on  
3           student achievement in reading and math at both  
4           elementary and high school grades. When  
5           socioeconomic factors and other governance  
6           conditions are taken into full consideration,  
7           mayoral control shows positive student  
8           improvement in reading and math at elementary  
9           grades. The lowest performing schools show  
10          persistent improvement in student achievement in  
11          districts that are under mayoral control, and  
12          academic progress is also correlated to  
13          institutional checks and balances under the  
14          mayoral control system."

15                 And then on the next page -- not the chart,  
16                 but the next page after that -- "Does mayoral  
17                 control improve management?" His findings are  
18                 that, "The education mayor" -- in other words,  
19                 the mayor that has responsibility for  
20                 education -- "is strategic in prioritizing  
21                 resource allocation and management. Mayoral  
22                 accountability lowers spending on general  
23                 administration while targeting resources on  
24                 instructional purposes and improves the  
25                 district's" financial -- "fiscal discipline and

1 management performance."

2 So that's somewhat of a nutshell.

3 Commissioner Korman.

4 MS. KORMAN: Would it be -- I mean, since  
5 this is such a strong topic for us, would it be  
6 worth it for him to come down for one of our  
7 last two meetings and be able to present this so  
8 we could ask him questions?

9 THE CHAIRMAN: Well, my conception of how  
10 we're going to go from here is as follows:

11 We're going to discuss today the ethics  
12 issue, presumably take a position on that  
13 today -- I think certainly we have time to do  
14 that -- and start the discussion on education.

15 (Ms. Miller enters the proceedings.)

16 THE CHAIRMAN: I also would like us to, at  
17 some point before we're done, talk about the  
18 process issues of -- for the next Charter  
19 Revision Commission. Do we want to recommend to  
20 the Council that they meet for a year instead of  
21 eight months; do they meet every five years  
22 instead of every ten years, and should they have  
23 the ability to put things directly on the  
24 ballot. So I think those are worthy topics that  
25 we need to save time for.

1 I also want to get a draft circulated to  
2 you all to review and comment on and vote on.

3 So, unfortunately, I don't think there's  
4 time to get all of that done with two meetings  
5 left after today and bring in more speakers. So  
6 I would encourage each of you to look through  
7 Dr. Wong's presentation.

8 Any other questions on the PowerPoint?

9 COMMISSION MEMBERS: (No response.)

10 THE CHAIRMAN: And his contact information  
11 is there as well, and I can give you -- I'll  
12 give Mr. Clements his phone number. I thought  
13 it was on here, but it's not. And I encourage  
14 any of you who would like to speak to him  
15 directly to give him a call. He was very  
16 excited about coming down here and talking to us  
17 and told me that he would certainly be happy to  
18 come down and talk to the Council if we end up  
19 making a recommendation that they feel they want  
20 to pursue and want to talk to him as an expert.  
21 So I'm sure he would be receptive to any  
22 individual contacts from any of the  
23 Commissioners. You can send him an e-mail or  
24 call him, tell him that you're on the  
25 Commission, and I'm sure he would be happy to

1 talk to anybody about these issues.

2 Mr. Rohan, you were on the agenda for a  
3 conflict of interest presentation.

4 MR. ROHAN: Thank you, Mr. Chairman.

5 This resulted sort of because of the large  
6 amount of discussion regarding you, the Charter  
7 Revision Commissioners, and what potential  
8 conflicts you all have. And it was very  
9 disappointing that that would come up because  
10 you all are in such good position and we thank  
11 you for your service to the community.

12 There is a broad view -- and I think we  
13 have seen it in the Florida Times-Union this  
14 week -- of ethics and what our ethical  
15 obligations are, And then there are the statutes  
16 and local laws that control prohibitions on your  
17 conduct and prohibitions on any public official  
18 or officer's conduct. These are found in  
19 Florida Statutes and in our ordinance code.

20 The question has come up about whether you  
21 all have any -- whether any of you have any  
22 conflicts that prevent you from serving or  
23 voting on this Charter Revision Commission.

24 There are two basic forms of conflicts  
25 recognized in the law. There are contractual

1 conflicts and there are voting conflicts. Since  
2 none of you or your employers or principals or  
3 your families are engaged in any business with  
4 the Charter Revision Commission, because the  
5 Charter Revision Commission is not engaged in  
6 any business nor is it regulating anybody, there  
7 are absolutely no contractual conflicts that you  
8 would be exposed to, so you need not worry about  
9 that.

10 The next question is a voting conflict. In  
11 Florida law, a voting conflict occurs when a  
12 vote that you will take will result in a special  
13 private gain to you, your family, or your  
14 employers. It requires a special private gain  
15 and it requires that that special private gain  
16 not be speculative. It must be certain.

17 Well, since I'm not aware of anything that  
18 you all are discussing that will result in any  
19 of yours or your company's principals or  
20 families getting any business with the City of  
21 Jacksonville, or its independent agencies, that  
22 any of your companies are going to be designated  
23 as lobbyists or get City business as a result of  
24 your work here, there's clearly no special  
25 private gain that would inure to any of you.

1           Furthermore, even if on a long shot  
2           somebody could try and suggest that, Well, down  
3           the road, who knows? Maybe your company might  
4           benefit from it. By definition, and in  
5           accordance with Florida law, any such view would  
6           be speculative at best. So none of you have any  
7           concerns about that.

8           Everybody knew when you were brought on to  
9           this Commission that you all brought with you  
10          the backgrounds, the employment opportunities,  
11          the contractual relationships that you had, and  
12          that's part of the reason why you were brought  
13          here; for different backgrounds and different  
14          guidances and advice to the Commission.

15          So we thank you for that, and you can rest  
16          assured that there is no potential violation for  
17          any of you.

18          If you have any questions, I'll be happy to  
19          answer them.

20          THE CHAIRMAN: Thank you, Mr. Rohan.  
21          Commissioner Youngblood, I have your copy  
22          of --

23          MR. YOUNGBLOOD: I believe that is  
24          Commissioner Oliveras.

25          THE CHAIRMAN: Oh, this is yours? Okay.

1           MR. OLIVERAS: I believe it is coming all  
2 the way around.

3           THE CHAIRMAN: Okay.

4           MR. OLIVERAS: Sorry for the distraction.

5           THE CHAIRMAN: No, that's okay.

6           Is it coming back to me from this  
7 direction?

8           MR. OLIVERAS: No. It's coming this way.

9           THE CHAIRMAN: Okay. Remind me to sign  
10 after, because I don't believe I've signed  
11 yours. I feel like it's the end of school; it's  
12 Yearbook time, but I think it's a great idea.

13           Mr. Clements, I see that our next item is  
14 Councilman Brown. Is your -- do you have any  
15 information about his timing?

16           MR. CLEMENTS: No, sir, I do not.

17           THE CHAIRMAN: Okay. Thank you.

18           And I saw Mr. Lee come in and then walk  
19 out, so we'll put that aside and move to ethics  
20 code and Ethics Commission issues.

21           Commissioners, as you know, we have on the  
22 table from our last meeting Commissioner  
23 Miller's proposed language. I hope everybody  
24 has their copy of that available to them. If  
25 not, perhaps Mr. Clements can make us a copy.

1 Does anybody need that?

2 MS. KORMAN: (Indicating.)

3 MS. O'BRIEN: (Indicating.)

4 THE CHAIRMAN: Commissioner Korman, Vice  
5 Chair O'Brien.

6 Thank you, Mr. Rohan.

7 MS. MILLER: Through the Chair to the  
8 Commission and Mr. Rohan, what Mr. Rohan passed  
9 out was the wrong version of this -- I guess not  
10 the wrong version. It was not the version that  
11 I presented last week. It's not an inaccurate  
12 version, but this particular version includes  
13 the word "independent" and it includes the  
14 hotline reference, but it also does not include  
15 the correct changes to Subsection C which would  
16 be the changes to the Charter. So it has to  
17 accurately reflect the strike-through and the  
18 underline to change our Charter, so Mr. Clements  
19 is going to make a copy of that.

20 THE CHAIRMAN: Thank you, Commissioner  
21 Miller.

22 We certainly want to all be on the same  
23 page literally, so I would just ask everybody to  
24 stand by.

25 Do you have a question?

1 Vice Chair O'Brien.

2 MS. O'BRIEN: In the meantime, I did have a  
3 question to be directed to Mr. Rohan, if that's  
4 all right.

5 THE CHAIRMAN: Yes.

6 MS. O'BRIEN: At what point does our  
7 Sunshine status expire as members of the Charter  
8 Revision Commission?

9 MR. ROHAN: As I've interpreted the  
10 ordinance code, it will be at the conclusion of  
11 your final meeting on February 25th because that  
12 will -- you will adopt the presentation for the  
13 Council and then that will be given to the  
14 Council thereafter.

15 MS. O'BRIEN: Thank you.

16 THE CHAIRMAN: Anybody have any questions  
17 about that issue?

18 COMMISSION MEMBERS: (No response.)

19 THE CHAIRMAN: Well, while we're waiting, I  
20 see that Mr. Lee has come back, so we'll go  
21 ahead and hear from him.

22 Commissioners, just as an FYI, as you know,  
23 Mr. Lee has been at several of our meetings and  
24 spoken to public comment. And at the request of  
25 one of your fellow commissioners, I have agreed

1 to let Mr. Lee address us for ten minutes  
2 instead of three.

3 And, with that, I will ask Mr. Lee to give  
4 his name and address for the record, and our  
5 court reporter will swear you in.

6 MR. LEE: Excuse me. I have a sore throat  
7 and so I was sucking on a lozenge.

8 My name is Curtis Lee. My address is  
9 7537 Teaticket Court, Jacksonville, Florida,  
10 32244.

11 I was unaware that I had ten minutes.  
12 Obviously, if I give this speech as written, it  
13 will take more than ten minutes, so I will have  
14 to do some quick cutting back.

15 THE CHAIRMAN: Wait. Our court reporter  
16 will swear you in.

17 MR. LEE: Pardon?

18 THE CHAIRMAN: Our court reporter will  
19 swear you in.

20 MR. LEE: All right.

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

25 MR. LEE: I affirm. I'm not religious.

1 THE REPORTER: Thank you.

2 MR. LEE: Thank you.

3 Dear Chairman Duggan and Commission  
4 Members, thank you for inviting me to speak on  
5 the important subject of public pensions.

6 I was admitted to practice law in New York  
7 State for about 25 years. I spent most of my  
8 time in the employee benefits and financial  
9 fields and have extensive experience with  
10 pension plans.

11 That experience covered all areas of those  
12 plans; drafting, legal questions, administrative  
13 investment manager -- investment matters. My  
14 focus was private industry.

15 The -- as you know, I have spoken before  
16 you. I felt that given my private industry  
17 background and independence, I am not employed  
18 by anyone involved in the current disputes  
19 concerning public pensions and I will never  
20 receive a public pension, that I am uniquely  
21 qualified to offer you some ideas.

22 There has been -- there have been requests  
23 for discussion of the differences between  
24 defined benefit plans and defined contribution  
25 plans. At the bottom of page 1, I describe the

1 differences between the two. The main -- they  
2 are really very simple. I define -- "benefit  
3 plan" defines the benefits that people get under  
4 a formula; a times b times c normally, without  
5 defining the contributions that the employer  
6 makes. The "defined contribution plans" define  
7 the contributions that the employer makes  
8 without defining the benefits that the employee  
9 gets. Defined benefit plans pay out in the form  
10 of a lifetime annuity based on years of service,  
11 years of credited service, times a percentage  
12 times final average pay, and they usually have  
13 all sorts of bells and whistles, and defined  
14 benefit plans are what we think of as  
15 traditional pension plans. Jacksonville has  
16 three of them.

17 The pros and cons of defined benefit plans  
18 take some time to discuss. I have listed them  
19 on pages 2 and 3. Since I do not have the --  
20 since I only have ten minutes, I will just point  
21 them out.

22 Jacksonville -- I am now on page 3 --  
23 Jacksonville has three defined benefit plans;  
24 one for police and firemen, one for correctional  
25 employees, and one for the general City

1 employees. The -- I listed the figures for the  
2 number of people under those plans as  
3 beneficiaries and as current employees.

4 Briefly, the history of public pension  
5 plans is this: The original legislation  
6 concerning Social Security excluded many  
7 workers, including government employees. This,  
8 plus a variety of factors such as the labor  
9 union movement and World War II, provided an  
10 impetus for the upswing and the creation and use  
11 of public pension plans.

12 Fast-forwarding to today, American public  
13 pension plans are quite huge; collectively  
14 possessing about two trillion in assets, and  
15 that's probably an understatement.

16 Public pension plans consist of both  
17 defined contribution plans and defined benefit  
18 plans, but whenever you read about public  
19 pension plan problems and costs, you're probably  
20 reading about the costs and problems of public  
21 defined benefit plans. They tend to be  
22 underfunded.

23 Also most noteworthy, public pension plans  
24 now provide benefits that absolutely dwarf those  
25 provided under Social Security. The maximum

1 Social Security benefit that a person can  
2 receive in 2010 at age 66 is 28,152 a year.  
3 Even those who historically earned six- or  
4 seven-figure salaries from private employees --  
5 employers -- max-out there.

6 In contrast, many in Jacksonville and  
7 elsewhere receive, or could receive, public  
8 pensions of over 100,000 a year. They would not  
9 have earned -- the people receiving these large  
10 pensions would not have actually earned more  
11 than their private counterparts getting the  
12 28,152 a year or less. Instead, those public  
13 employees are simply getting much better  
14 pensions.

15 In other words, pension -- public pension  
16 plans which were originally intended to make up  
17 for the original exclusion of public employees  
18 from the Social Security system have become far  
19 more generous than Social Security and thus are  
20 far more costly to public employers and  
21 taxpayers than Social Security is.

22 Why the disparity? We know one; obviously,  
23 it's politics.

24 Another is that public employees, like  
25 everybody else, have lived longer than was

1           formerly expected at the time these plans were  
2           adopted and enhanced.

3           Jacksonville's current problems, I have  
4           discussed them many times, and so I will  
5           probably not belabor them now in the interest of  
6           time. The core of the problem is the deficit is  
7           1.2 billion. My experience in these areas is  
8           that when you have a very bad year like 2008, it  
9           just rolls through. All the five-year averaging  
10          and the deficit is just going to grow and grow  
11          and grow. Once you are behind the ball on  
12          public pension, or on private defined benefit  
13          plan funding, whichever the case, it's awfully  
14          hard to catch up. So Jacksonville is in a deep  
15          hole and it's likely to get deeper.

16          The mayor's current proposal with three  
17          tiers is a drop in the bucket. It's not going  
18          to -- it's not going to work the way they think  
19          it will. That is a personal opinion, but my  
20          personal opinion is based on decades of  
21          experience and an awful lot of work.

22          And plus the assumed rates of return for  
23          the plans are 8.5 percent or 8.4 percent,  
24          depending on the plan. That is net of costs,  
25          and the costs of these plans are high;

1           \$14 million in administrative costs are rolled  
2           over the three plans. So you really have to  
3           earn -- gross well over 9 percent to get the  
4           8 1/2 percent. It's very hard to do. So not  
5           only is the deficit going to get worse, but the  
6           contributions are going to get worse. Coming  
7           from a private industry background where  
8           7 percent of the budget would never go to these  
9           things, a company -- if Jacksonville were a  
10          company, it would be -- it would be on the road  
11          to ruin.

12                 All right. Onward. Suggested solutions  
13          regarding charter amendments.

14                 The background, of course, is that private  
15          industry largely does not offer defined benefit  
16          plans anymore. They realized that one really  
17          nasty feature of defined benefit plans is that  
18          costs rise while revenues and profits decline.  
19          So bad years for a company means that defined  
20          benefit plan costs start zooming and, of course,  
21          that's intolerable. Companies can't survive  
22          that, so they have basically eliminated defined  
23          benefit plans going forward.

24                 There are many legacy defined benefit  
25          plans, but it's very uncommon for them to be

1           offered to new regular employees as opposed to  
2           executives. So the defined benefit plan is  
3           pretty much dead and gone amongst private  
4           employers.

5                   Governments haven't really been doing  
6           anything or paying attention to the trends.  
7           Obviously, I think they should. They would save  
8           money and have steadier costs.

9                   How can Jacksonville change course? I had  
10          suggested a public notice requirement for any --  
11          or a quantification requirement for any changes  
12          to -- to -- excuse me. My throat is sore.

13                   But at any rate -- anyone have any water?

14                   I had suggested that costs be quantified in  
15          prior meetings, but also I have reviewed the  
16          Jacksonville City Charter and suggest two  
17          amendments.

18                   First relates to the issue of  
19          administrative control. The City has  
20          contributed at least two-thirds of the costs of  
21          the three defined benefit plans. The two-thirds  
22          ratio is going to continue. It's over  
23          80 percent for the police and fire, but it's at  
24          least two-thirds of the costs for all three. If  
25          you have two-thirds of the costs, you should

1           have two-thirds of the control. He who pays the  
2           piper calls the tune.

3           In the case of the police and fire pension  
4           fund, to me, having dealt with them, it's  
5           obvious that the unions control that fund in  
6           actuality. As for the City funds, the cities --  
7           the City does not have two-thirds control.

8           Thank you.

9           So the City lacks in form, or as a matter  
10          of right, two-thirds control of any of the three  
11          plans. It should have two-thirds control of all  
12          of the three plans.

13          THE CHAIRMAN: Mr. Lee, you have about a  
14          minute and-a-half.

15          MR. LEE: Oh, I do? Okay.

16          The second is -- the second issue is that  
17          in addition to having a plan to transition from  
18          the status quo, the City should have the --  
19          should adopt the amendment that I have set forth  
20          at the top of page 6.

21          In bold, quote, "That after December 31,  
22          2013, no employee of the City of Jacksonville or  
23          any agency or entity thereof shall accrue any  
24          benefits under any defined benefit plan."

25          The intent of the proposed charter

1 amendment is to leave pre-2014 benefit accruals  
2 untouched and to bar post-2013 benefit accruals  
3 under any existing or subsequent defined benefit  
4 plan.

5 In the middle of page 6, I discuss what the  
6 concept of benefit accruals is and give an  
7 example. I'll skip over that in the interest of  
8 time, but I urge you to read that.

9 The important point is that people in their  
10 50s and 60s often have benefit accruals of well  
11 over 50 percent of pay under defined benefit  
12 plans. Almost nobody knows this; sometimes it's  
13 100 percent of pay. It's very lucrative, and I  
14 call it hidden compensation. At any rate, the  
15 legalities of it are such that there's been  
16 discussion about Unfair Labor Practices. I have  
17 a little experience here, but not a lot. I see  
18 nothing in any law that --

19 THE CHAIRMAN: Mr. Lee, I need you to wrap  
20 it up.

21 MR. LEE: Okay. All right.

22 There's no law that says that employers  
23 can -- have to continue to accrue benefits under  
24 any pension plan going forward. Employers can  
25 stop it at any point.

1           If you put my proposed amendment in effect  
2           in 2014, there can be no Unfair Labor Practice.  
3           If anyone believes otherwise, I believe they're  
4           wrong. It's -- there are tens of millions of  
5           dollars a year that can be saved. It's worthy  
6           of research. It should be put forward to the  
7           voters. And --

8           THE CHAIRMAN: Thank you, Mr. Lee.

9           MR. LEE: Okay. I've run out of time.  
10          All right.

11          I just urge you to read this entirely.

12          THE CHAIRMAN: Mr. Lee --

13          MR. LEE: Thank you.

14          THE CHAIRMAN: -- are you -- just for my  
15          edification, are you licensed to practice law in  
16          Florida?

17          MR. LEE: No.

18          THE CHAIRMAN: Okay.

19          MR. LEE: I'm retired.

20          THE CHAIRMAN: Commissioner Miller, do you  
21          have a question for Mr. Lee?

22          MS. MILLER: I do.

23          Thank you, Mr. Lee, for coming --

24          MR. LEE: Thank you.

25          MS. MILLER: -- and not feeling well.

1           Would you -- you have given us a little bit  
2           of a snapshot of your professional experience,  
3           and you said you were previously licensed in --  
4           or you may be licensed in the state of  
5           New York? You're admitted to the bar in  
6           New York?

7           MR. LEE:    I'm retired.

8           MS. MILLER:  You're retired?

9           MR. LEE:    Yes.

10          MS. MILLER:  Okay.  And so what was your  
11          professional experience in New York that gave  
12          you some knowledge of pension plans?

13          MR. LEE:    I spent, I would say,  
14          approximately 20 years doing employee benefits  
15          work.  I have -- most of that time I dealt with  
16          actuaries frequently; planned document drafting,  
17          executive benefit work, financial work,  
18          investment side of things as well.  So --

19          MS. MILLER:  Did you think -- did you work  
20          with public benefits or public pension plans?

21          MR. LEE:    Not -- no.  My area was private  
22          pension plans.  I was involved in some, like,  
23          pension groups, so I knew of some public pension  
24          people, you know, socially and you might talk  
25          about things.  But, no, beyond that -- and

1 obviously I did a lot of reading and have done a  
2 lot of reading ever since, but --

3 MS. MILLER: Okay. Did you ever work with  
4 public unions in your pension experience?

5 MR. LEE: No. Private unions, not public  
6 unions.

7 MS. MILLER: Okay. And you're not  
8 licensed to practice in the state of Florida?

9 MR. LEE: No, and I have no desire to be.

10 MS. MILLER: Okay. Are you licensed to  
11 practice in any state?

12 MR. LEE: No.

13 MS. MILLER: So you're not licensed to  
14 practice in the state of New York anymore?

15 MR. LEE: No. I am -- as I said, I am  
16 retired. I am not licensed. When you are  
17 retired -- excuse me -- you are no longer  
18 licensed.

19 MS. MILLER: Actually, some lawyers  
20 maintain their license in their states in which  
21 they were admitted when they're retired.

22 MR. LEE: All right. It costs several  
23 hundreds of dollars a year -- it costs several  
24 hundred dollars a year to maintain one's license  
25 in New York, so I gladly stopped paying that.

1 MS. MILLER: Did you retire for a  
2 particular reason?

3 MR. LEE: I had -- I retired for many  
4 reasons. I was not working, I was very ill, and  
5 there's a whole bunch of reasons.

6 MS. MILLER: Did you retire for any  
7 professional reasons?

8 MR. LEE: I'm sorry. What are you getting  
9 at?

10 MS. MILLER: I'm trying to understand,  
11 were there any professional circumstances  
12 related to your -- the practice of law from  
13 which you retired?

14 MR. LEE: Oh, there were a whole bunch of  
15 reasons, yes.

16 MS. MILLER: Okay.

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

19 All right. Thank you, Mr. Lee.

20 MR. LEE: Thank you.

21 No further questions?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: Mr. Clements, do you want to  
24 distribute the ethics?

25 MR. CLEMENTS: Yes.

1           THE CHAIRMAN: Thank you. Thank you,  
2 Mr. Clements.

3           Commissioner Catlett, I see you're in the  
4 queue.

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

6           First, I want to make sure with Ms. Miller;  
7 this is the appropriate draft?

8           MS. MILLER: Yes. This appears to be the  
9 correct draft.

10          Thank you.

11          MR. CATLETT: Okay. I would like to go  
12 ahead and move that we accept this draft and put  
13 it in as part of our report to City Council.

14          MS. O'BRIEN: Second.

15          THE CHAIRMAN: We have a motion and second  
16 on Commissioner Miller's draft language, so  
17 we're now in a proper posture for discussion.

18          Commissioner Oliveras.

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

20          As I indicated earlier in our conversation  
21 about this, I was interested in inserting the  
22 language of -- the hotline -- into the  
23 language. I am looking and looking. I don't  
24 see the "independent" in there either.

25          I actually -- question through the Chair to

1 Commissioner Miller, was it your intention to  
2 not include those two issues; the hotline and  
3 "independent"?

4 MS. MILLER: Through the Chair to  
5 Commissioner Oliveras and the Commission, as  
6 I've stated in the last meeting, those two  
7 additions, in my mind, are, number one, the  
8 hotline is redundant because it is already a  
9 matter of law and in our municipal code, and so  
10 it would be redundant.

11 And then as far as the independence issue,  
12 if you will read Section 6 -- I believe it's  
13 602 -- Chapter 602 of our municipal code, there  
14 is certainly a good amount of authority granted  
15 to the Ethics Commission.

16 Ultimately, it's up to our elected leaders  
17 as to whether or not they decide and how they  
18 decide whether or not anybody is truly  
19 independent. Our charter establishes  
20 independent commissions and authorities that  
21 have multi-million-dollar budgets.

22 So, the notion of independence, I think, is  
23 subjective, and I would prefer to go with, as I  
24 mentioned earlier in the philosophy of  
25 attempting to draft something that is truly like

1           our Constitution for the consolidated  
2           government, I am looking to draft something that  
3           is broad enough to cover jurisdiction in state  
4           and in policy and intent, without getting -- and  
5           either duplicating any existing law or getting  
6           into the -- what I believe to be the -- truly  
7           the authority of the mayor and the City  
8           Council.

9           If the mayor and the City Council wish to  
10          add this, I think that's within their purview.  
11          I don't have a strong position either way on the  
12          word "independent." I don't think it adds  
13          anything because ultimately it's going to be up  
14          to our City Council and mayor, those people that  
15          the citizens have elected, to make that  
16          decision.

17          And I think if you read the chapter -- the  
18          ordinance code chapter on ethics, you will see  
19          that there is a fair amount of independence.

20          And as Ms. Carla Miller has stated in her  
21          multiple e-mails this week, there is a fair  
22          amount of investigatory independence by several  
23          entities within the consolidated government; the  
24          City Council -- the Inspector General, the  
25          Council Auditor. There are several entities and

1 offices within the consolidated government that  
2 have that authority, as well as then the  
3 referring authorities; the Commission on Ethics  
4 for the state and the State Attorney's Office.

5 So, again, in an effort to be efficient,  
6 effective, nonduplicative, and also not to -- in  
7 an effort not to overstep or to attempt to step  
8 on the authority of our City Council and mayor,  
9 I -- in my professional judgment, I determined  
10 that it would be better to leave those  
11 particular items out.

12 THE CHAIRMAN: Commissioner Oliveras.

13 MR. OLIVERAS: Mr. Chairman, my concern  
14 about the hotline in particular is, since it's  
15 an ordinance code -- I have worked in city  
16 government long enough to watch things come and  
17 go out of the code. It's not a difficult  
18 process at all if the Council determines that  
19 they no longer want to fund it, it's no longer  
20 in vogue, for it to go away. And I just -- I  
21 question what we accomplish if we have  
22 essentially a toothless tiger with ethics.

23 I have seen, as all the commissioners have,  
24 the e-mails that have come in. The citizens are  
25 largely -- you know, overwhelmingly in support

1 of these ideas. And I think it's important if  
2 we're going to have a strong code of ethics, a  
3 strong Ethics Commission in this city, there's  
4 got to be something there. There's got to be  
5 things that the citizens can point to to say,  
6 This is -- this is part of it. This is why I  
7 believe this system works.

8 And if it is broad, if it is vague, that  
9 also means it's going to be watered down, in my  
10 mind, and I would offer an amendment that we  
11 include the term "hotline" in this proposed  
12 charter amendment.

13 THE CHAIRMAN: Is there a second?

14 MR. FLOWERS: Second.

15 THE CHAIRMAN: Okay. Commissioner Miller,  
16 I see you're in the queue. Did you want to --

17 MS. MILLER: With all due respect to  
18 Commissioner Oliveras, this proposal cannot be  
19 called a "toothless tiger." It is anything  
20 but.

21 We have stated a policy of intent and  
22 expectation for our public officials that was in  
23 the original charter. We have expanded the  
24 scope -- expanded the scope -- and authority of  
25 the Ethics Commission to all parts of

1 consolidated government and made clear that it  
2 will be -- and that will require either a  
3 referendum or going to the legislature. So when  
4 we have those matters of scope and authority,  
5 those certainly should be in our Constitution  
6 and in our Charter.

7 We have intent, policy, we have scope, and  
8 we have support; three things that were not  
9 provided for. So -- and we have an actual  
10 statement that there will be an Ethics  
11 Commission. That's a fourth.

12 So I take great exception to your statement  
13 that this would be a toothless tiger because it  
14 is anything but. Anything but.

15 The idea of adding a hotline, just so you  
16 know, it is required by federal law, and there  
17 are multiple ways to provide for a hotline.  
18 Most organizations now are going to something  
19 that is wireless.

20 So my concern in stating that there will be  
21 a hotline in the future or even a year from now,  
22 a hotline will be the equivalent of broadband  
23 access. It will be the equivalent of Wi-Fi  
24 access. One word is not going to keep pace with  
25 technology.

1           The City ordinance code already has it.  
2           It's redundant. And when you get into redundant  
3           and conflicting laws, you raise more legal  
4           issues for yourself and for the City than we  
5           need, and there is a risk that it will be  
6           stricken down, with all due respect.

7           THE CHAIRMAN: Commissioners, we're now on  
8           discussion on Commissioner Oliveras' amendment,  
9           just so you know.

10          I see, Commissioner Korman, you were in the  
11          queue. Was that on the bill?

12          MS. KORMAN: No.

13          THE CHAIRMAN: Okay. Commissioner  
14          Youngblood.

15          MR. YOUNGBLOOD: So currently we're  
16          discussing Commissioner Miller's or now the  
17          motion of Oliveras?

18          THE CHAIRMAN: We're now discussing  
19          Commissioner Oliveras' amendment. There's been  
20          a motion and second on that, so we're discussing  
21          his amendment to add the hotline language to  
22          Commissioner Miller's language.

23          MR. YOUNGBLOOD: Then I would be in  
24          agreement to that, and I don't want to carry  
25          over into another -- a motion or a

1 modification. So, at this point, I guess we'll  
2 leave it to the Chair and I'll make my question  
3 when we're done.

4 THE CHAIRMAN: Okay. Just so you know,  
5 this is what we're going to do, is first we're  
6 going to vote on whether to amend Commissioner  
7 Miller's language to add Commissioner  
8 Oliveras'. So we're going to talk about that  
9 and we're going to vote on that. And then we're  
10 going to vote on Commissioner Miller's language  
11 as amended or not amended, depending on how that  
12 first vote goes. So --

13 MR. YOUNGBLOOD: Because I had additional  
14 information, but it wasn't regarding  
15 Commissioner Oliveras', so let's go ahead and  
16 make the vote.

17 THE CHAIRMAN: Okay. Okay. Thank you.  
18 Is there anybody else who wants to comment  
19 upon Commissioner Oliveras' amendment?

20 MR. AUSTIN: Could you restate that?

21 THE CHAIRMAN: Commissioner Oliveras, could  
22 you restate your amendment, and perhaps where in  
23 this language you would propose to insert it?

24 MR. OLIVERAS: Yes, Mr. Chairman.

25 In paragraph B, insert the language of the

1 hotline.

2 And just -- if I may, I don't mean to  
3 impugn Commissioner Miller's efforts at all. I  
4 think she did fantastic work in putting this  
5 together. I just -- my sense of this from the  
6 citizen input is they feel very strongly about  
7 this. And if the citizens don't know how to  
8 access it, it doesn't matter that it's in  
9 federal law. It doesn't matter that it's either  
10 in or not in the City code. This is about  
11 confidence in the system from the citizens'  
12 standpoint, and I think that that works.

13 THE CHAIRMAN: Mr. Rohan, you indicated you  
14 would like to speak?

15 MR. ROHAN: Well, just -- that specific  
16 language, where it says in the middle of  
17 paragraph 3, "which shall assist or  
18 coordinate" --

19 THE CHAIRMAN: Excuse me, Mr. Rohan.  
20 Paragraph 3?

21 MR. ROHAN: Excuse me. B.

22 THE CHAIRMAN: B.

23 MR. ROHAN: I apologize. Paragraph B;  
24 "which shall assist or coordinate," and  
25 before "in the training," insert, "a citywide

1 ethics hotline," is the amendment as I  
2 understand it.

3 THE CHAIRMAN: So read it from the  
4 beginning of the sentence, please, as you  
5 propose the amendment.

6 MR. ROHAN: "The ethics code shall provide  
7 for an Ethics Commission which may assist or  
8 coordinate," and then add, "a citywide ethics  
9 hotline," and then continue with the existing  
10 language which -- "in the training and education  
11 of local officers and employees in state and  
12 local ethics," semicolon.

13 THE CHAIRMAN: Thank you, Mr. Rohan.  
14 Commissioners, any questions about that?  
15 Commissioner Catlett.

16 MR. CATLETT: I'd like to call the  
17 question, please.

18 THE CHAIRMAN: Okay. We won't go through  
19 the voting on your motion to call the question.  
20 We'll just go ahead and vote on the amendment.

21 All in favor of Commissioner Oliveras'  
22 proposed amendment, please raise your hand.

23 Commissioner Thompson, Commissioner  
24 Oliveras, Commissioner Flowers.

25 All opposed.

1           Commissioner Korman, Commissioner Eichner,  
2           Commissioner Catlett, Vice Chair O'Brien,  
3           Commissioner Austin, Commissioner Deal,  
4           Commissioner Catlin, Commissioner Garvin,  
5           Commission Herrington, Commissioner Miller,  
6           Commissioner Youngblood.

7           That amendment fails.

8           We're now back on the proposed -- the  
9           Miller language, I'll refer to it as.

10          Commissioner Korman, you were in the queue  
11          on the bill -- on the main motion.

12          MS. KORMAN: In nonlegalese terms, I would  
13          ask -- because some of us aren't lawyers -- so I  
14          would ask, Jeanne, if you could explain your  
15          thoughts on how the independent agencies would  
16          work based on your language with the Ethics  
17          Commission, and if you could just provide  
18          just -- I think you kind of did -- but another  
19          little summary on everything in your bill? And  
20          I'm reading it, but I just want to get your  
21          intent on everything before we vote on it.

22          MS. MILLER: Sure. Thank you.

23          Through the Chair to Commissioner Korman  
24          and the Commission, I'll recap, but I'm not  
25          going to claim credit for anything in here

1           because this is from the original draft of the  
2 Charter.

3           So, paragraph A states an intent and an  
4 expectation for our public leaders and for all  
5 public employees, and it really is sort of the  
6 foundation of what we should expect. I would  
7 say that it's similar by analogy to what are  
8 core functions of government? What are the core  
9 functions of how we expect our government  
10 leaders to act and perform.

11           And you can read it for yourself, but just  
12 for the benefit of the record and the public,  
13 I'll state, "The proper operation of democratic  
14 government requires that public officials and  
15 employees be independent, impartial, and  
16 responsible to the people; that government  
17 decisions and policy be made in the best  
18 interests of the people, the community and the  
19 government; that public office not be used for  
20 personal gain, and that the public have  
21 confidence in the integrity of its government."

22           It's fundamental, and it should go without  
23 stating, but it should be stated, and so this is  
24 taken directly from the original Charter.

25           I've taken the next part of that from the

1 original Charter and incorporated it to the  
2 beginning of paragraph B.

3 Paragraph -- what we did not have -- we had  
4 previously in the Charter was what you see in  
5 paragraph C. It just referenced an ethics  
6 code. It did not specifically reference an  
7 Ethics Commission.

8 The goal of paragraph B is to set forth  
9 that there will be an Ethics Commission, an  
10 ethics code, and the scope of that Commission's  
11 authority. And the intent there is to ensure  
12 that it is -- it covers consolidated government,  
13 as was originally anticipated by the Charter,  
14 but that it does not conflict with and risk  
15 therefore being struck down. It does not  
16 conflict with any state or federal laws; it is a  
17 complement to, and that it serves as an  
18 education and coordination authority within our  
19 consolidated government.

20 So you will see that the first sentence  
21 there states that it will -- and again, this is  
22 from the original Charter -- that it -- that the  
23 City of Jacksonville shall enact an ethics code,  
24 because no one of us can do that. It has to  
25 come either through -- from the mayor and

1 through the City Council, so that is our  
2 governing authority -- with jurisdiction over  
3 officers, employees of the consolidated  
4 government, constitutional officers, independent  
5 agencies and districts, whether elected,  
6 appointed, paid or unpaid, and to the officers  
7 and employees of the school district.

8 Again, albeit slightly modified, this has  
9 come directly from the original Charter. How  
10 that works will be ultimately up to the -- to  
11 the --- to the City Council, but my expectation  
12 and thought -- and I think Ms. Miller can speak  
13 to this -- Carla Miller -- is that we already  
14 have an ethics code and we already have an  
15 Ethics Commission, and from -- based on my  
16 understanding, JEA, several of the independent  
17 authorities already have ethics policies in  
18 place, but there are some that may not; that may  
19 not either have an ethics policy -- also ethics  
20 coordination and training. And so it is a  
21 resource -- the Commission has anticipated, in  
22 my mind, the ethics code to be a resource.

23 If there are local laws -- and those local  
24 laws would, in fact, reach to all parts of the  
25 consolidated government, and so -- and if an

1 employee of an independent agency had a  
2 question, they could call the hotline because  
3 the hotline's already in the law, and then the  
4 ethics officer, Commission, would have the  
5 ability to look into that under their authority  
6 established under Section 602.

7 MS. KORMAN: Yes. That -- Commissioner --  
8 or Chairman -- that's my question, just so I  
9 understand. So since whoever has their own  
10 independent -- an agency has their own ethics  
11 rules, committee, however they want to do it,  
12 does the way this was written -- maybe it won't  
13 be decided at City Council -- does Carla  
14 Miller's ethics office, can they investigate,  
15 too, on top of their already existing one in  
16 their independent agency or how would that  
17 work? I mean --

18 MS. MILLER: Well, I mean, each  
19 independent authority would have to have --  
20 would have their own, and it's my understanding  
21 that no independent authority is in an  
22 administrative rule-making body, so the best  
23 that they could propose is a policy; their  
24 policy.

25 The Ethics Commission, on the other hand,

1 in coordination with the City Council, has the  
2 opportunity to oversee the local ethics code.  
3 That's the actual laws.

4 So if there is a question or concern, it's  
5 a -- hopefully, again, it is a facilitation. It  
6 is the public face for all of consolidated  
7 government for citizens to call in, complain,  
8 whatever, ask for an investigation, and then  
9 route that concern to the appropriate aspect  
10 of -- or appropriate part of.

11 So the anticipation is that they would work  
12 with -- work with the independent authority, but  
13 if it were an employee of an independent  
14 authority -- and say we have a strict gift law,  
15 for example. That gift law -- there's no  
16 question now that that gift law would apply to  
17 an employee of JEA. Right now, there's some  
18 question in law as to whether or not that might  
19 apply. Or it would apply to an employee of the  
20 School Board.

21 So it is to ensure that of those local laws  
22 that we have, those will apply to those  
23 employees, but at the same time those agencies  
24 have the benefit of and can utilize the  
25 resources of the Ethics Commission and the

1 ethics office to -- that calls to -- whether  
2 they have some investigative and referral  
3 authority, which they do, and to -- and to --  
4 and to have sort of one place for consolidated  
5 government for citizens and employees alike to  
6 go to.

7 And so that would be -- I hope that has  
8 answered your question. And so that's  
9 paragraph B, essentially establishing the scope,  
10 establishing that there is, in fact, an Ethics  
11 Commission -- we didn't have that before -- and  
12 then establishing part of its scope in addition  
13 to the role defined in Chapter 602 as training  
14 and education with all local officers, local  
15 entities, and the referral authority which we  
16 may have mentioned but we want to make clear,  
17 and then defining the enforcement power as not  
18 to conflict with state law, and that is, in  
19 essence, to protect our Ethics Commission.

20 We don't want our Ethics Commission to  
21 conflict with state law and have the chance of  
22 being struck down. We want to -- it may not  
23 seem like it -- but empower it over appropriate  
24 local authority, and then to provide appropriate  
25 resources in order to effectuate that authority.

1 THE CHAIRMAN: Commissioner Youngblood.

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

3 From previous meetings, as you know, I've  
4 discussed and asked question of Mrs. Miller with  
5 the Ethics Commission currently, how would it  
6 affect the independent authorities, the funding,  
7 and the subpoena power. And she did answer that  
8 in an e-mail dated February the 10th. There was  
9 two pages, and I bring your attention to page 2,  
10 the fourth paragraph, Subpoena Power.

11 And out of curiosity, Mr. Chairman -- and  
12 this may be a question for Mr. Rohan -- should  
13 we put details of subpoena power just to make  
14 sure that the Ethics Commission, being a  
15 voluntary position that's held of citizens, that  
16 they not have subpoena power, which is a  
17 recommendation of Carla Miller also, just so  
18 there's no misunderstanding of the authority and  
19 the level of authority so that it continues to  
20 rely on the City Council, the auditor, JSO, and  
21 the State Attorney's Office.

22 Should that be placed in here as a detail  
23 within Ms. Miller's presentation?

24 THE CHAIRMAN: Commissioner Catlett, do you  
25 need clarification?

1           MR. CATLETT: Yes. I was listening, but I  
2 really didn't understand what you said. So  
3 could you give me a little more there?

4           MR. YOUNGBLOOD: Paragraph 4, if you have  
5 the sheet there, on page 2, Subpoena Power,  
6 is --

7           THE CHAIRMAN: Commissioner Youngblood, let  
8 me just make sure everybody understands what  
9 you're referring to.

10           Now, this is from Commissioner Miller --  
11 excuse me -- Carla Miller, the e-mail?

12           MR. YOUNGBLOOD: (Nods head.)

13           THE CHAIRMAN: Okay. Go ahead.

14           MR. CATLETT: I didn't understand what you  
15 were proposing.

16           MR. YOUNGBLOOD: That we put in the  
17 proposal that -- Commissioner Miller's  
18 proposal -- that we put in there that it has a  
19 clear understanding that they do not have  
20 subpoena power; that the appropriate agencies  
21 that are already currently in place have that,  
22 because there obviously would be fear to have  
23 someone that's not their area of expertise  
24 subpoena documentation from individuals, that it  
25 relies on those current authorities.

1           And so through the Chair to Mr. Rohan, is  
2           that something we can place in there so there's  
3           not a misunderstanding of authority and power?

4           MR. ROHAN: Through the Chair, the answer  
5           to that is yes, and it is your decision as to  
6           what you want to recommend.

7           MR. YOUNGBLOOD: Thank you.

8           And then also the funding -- and I was very  
9           thankful that Carla noted it, disclosed that,  
10          and that just helped me get my mind around -- if  
11          you have seen paragraph 2 -- what is it going to  
12          cost? And on knee-jerk reaction, I thought  
13          another layer of bureaucracy, as you've heard me  
14          say. I thought, Great, here's someone else  
15          needing authority and money and more money from  
16          the budget. And obviously knee-jerk reaction,  
17          it's absolutely not.

18          We spend so much money throughout the  
19          City. I think this is an area of money  
20          well-spent. And I think we can find it; that we  
21          don't have to have an additional burden on the  
22          community, but current monies that's within the  
23          budget, that we ask City Council to investigate  
24          spending more money in this area since there is  
25          such a public outcry of ethics in the city, and

1 we see that through the e-mails.

2 And so I don't know that I have changed my  
3 opinion, but I do see compelling evidence and  
4 overwhelming evidence that the citizenry really  
5 wants to see this. So the funding could be a  
6 recommendation as we see here; independent  
7 authorities as a recommendation and the  
8 Inspector General, and subpoena power.

9 So if we could review these four items that  
10 Carla Miller has brought to our attention that I  
11 would love to make sure that we include this  
12 language in Commissioner Miller's proposal to  
13 the best of our ability.

14 Thank you.

15 THE CHAIRMAN: Commissioner Youngblood, are  
16 you proposing an amendment?

17 MR. YOUNGBLOOD: Yes, sir, if we need to  
18 put it into the form of an amendment. But if  
19 that's the case, there will be three different  
20 areas of amendment. So I'm not sure if we could  
21 just go directly to Commissioner Miller and have  
22 her review this, and through General Counsel,  
23 Steve Rohan, and maybe she could make the  
24 amendment to her own presentation.

25 THE CHAIRMAN: Commissioner Miller --

1 MR. YOUNGBLOOD: Amendments.

2 THE CHAIRMAN: -- do you want to weigh in  
3 on that? Do you want to weigh in on that?

4 MS. MILLER: Through the Chair, I'd like  
5 to -- again, maybe it's -- it's probably just  
6 me. I would just like to understand what the  
7 amendments are.

8 And, Mr. Rohan, I don't know if you -- is  
9 the amendment -- the amendment has to do with  
10 making sure they don't have subpoena authority,  
11 and then providing for no additional funding  
12 or -- can you help me understand?

13 MR. YOUNGBLOOD: Through the Chair, I'll  
14 be happy to explain myself.

15 I asked at previous meetings --

16 MS. MILLER: Right.

17 MR. YOUNGBLOOD: -- what was the authority  
18 reaching into the independent authorities of the  
19 Commission.

20 MS. MILLER: Right.

21 MR. YOUNGBLOOD: Her first paragraph gives  
22 a little greater clarification of that. And so  
23 if we could just modify the language within your  
24 proposal, then I think it fits. And it may  
25 already be there. And, again, not being an

1 attorney, you may be able to better explain to  
2 me how that would affect the independent  
3 authorities.

4 And, secondly, is the funding -- again,  
5 this is merely a recommendation to Council;  
6 obviously, they make the final decision -- but  
7 she's put a dollar amount to it which was  
8 requested of the Commission is how much is this  
9 going to cost us. Just to help us get our mind  
10 around what are we requesting of the City  
11 Council.

12 And then I guess, thirdly, even though  
13 there are four points, my question was subpoena  
14 power; making sure that the authority of the  
15 Ethics Commission, since it is a voluntary  
16 position of citizens, that they not have  
17 subpoena power. That we use the current  
18 organizations and administration, such as City  
19 Council, City Council Auditor, JSO, and State  
20 Attorney's Office to handle, facilitate, any  
21 subpoena opportunities for authorities.

22 MS. MILLER: Okay.

23 MR. YOUNGBLOOD: Is that clear?

24 MS. MILLER: So I'm going to try to  
25 summarize. So I -- because, again, as a

1 director and working with Mr. Rohan, I want to  
2 make sure that we're on the same page and  
3 understand that.

4 So on the independent authorities, is your  
5 focus -- and from Carla Miller's e-mail on  
6 February 10th -- is your focus on her language  
7 that says that the independent authorities  
8 should comply with national standards for  
9 anti-corruption ethics programs?

10 MR. YOUNGBLOOD: Absolutely.

11 MS. MILLER: Is that -- okay.

12 MR. YOUNGBLOOD: Yes.

13 MS. MILLER: Okay. And so I guess the  
14 question is -- and consistent, if not anything  
15 else -- we're ensuring that we're not redundant  
16 because -- and so I'll defer to Mr. Rohan as to  
17 whether or not this may get into the area of  
18 being too specific when I think that the scope  
19 of this is intended to be broad enough to --  
20 when you get too specific, you run the risk of  
21 excluding something and creating loopholes that  
22 were unintended. And so that's where I've tried  
23 to explain this by way of my own drafting style,  
24 you try to balance the specific with the  
25 nonspecific to make sure that you are creating

1 the right balance. I'm not saying this is, but  
2 it's a point well-taken.

3 In terms of funding, are you suggesting  
4 that we actually put in a dollar cap into the  
5 Charter? Because over time, again as our  
6 Constitution, funding's going to change, we  
7 don't know if there will be new regulations that  
8 come down the road that require additional  
9 funding, you know.

10 And, again, I leave the budget generally up  
11 to the City Council since that's within their  
12 purview and I would be concerned about, again,  
13 overstepping our boundaries on the Council's  
14 authority.

15 So would your suggestion be to actually put  
16 a limit -- a budget limit in --

17 MR. YOUNGBLOOD: Through the Chair to  
18 Commissioner Miller, no cap.

19 Again, that was a question that was asked  
20 at previous meetings to help the commissioners  
21 get their mind around what were the costs that  
22 City Council would have to deal with. So we can  
23 leave the budgetary issues up to City Council  
24 because that would be overstepping our area of  
25 understanding within the Charter.

1           But clearly, subpoena power is an issue  
2           that needs to be stated in there, and the  
3           independent authorities of making everyone meet  
4           the same national standards of ethics.

5           MS. MILLER: Okay. And so on the subpoena  
6           power, I have a question for Mr. Rohan.

7           It's my understanding that unless subpoena  
8           power is granted by law -- and in my mind, that  
9           would definitely have to go through the  
10          legislature, but you can decide. Then it is  
11          not -- I mean, subpoena power is very  
12          judiciously and granted in a very limited form  
13          and only for specific reasons. So my  
14          understanding of statutory construction and  
15          constitutional construction; again, a legal  
16          thing, is that unless it's specifically granted,  
17          it is not authorized. So, again, I don't know  
18          if we need to add that. We can, but I don't  
19          know what it -- what it might add.

20          As for the scope of the national standards  
21          for anti-corruption, it would seem to me that  
22          that would be an appropriate matter for the  
23          ethics code for Chapter 602, but, again, I can  
24          certainly try to whip up some language real  
25          quickly to incorporate that if -- but I'm going

1 to defer to Mr. Rohan.

2 MR. ROHAN: Through the Chair to  
3 Commissioner Miller and the Commission, as to  
4 the independent authorities, this amendment  
5 clearly gives the City Council jurisdiction over  
6 the independent authorities. If there was any  
7 question with regard to the constitutional  
8 officers with regard to the independent  
9 agencies, it is clear now that the City Council  
10 has jurisdiction to regulate.

11 THE CHAIRMAN: Mr. Rohan, you're talking  
12 about -- when you say "this amendment," you're  
13 talking about Commissioner Miller's original  
14 proposal?

15 MR. ROHAN: Yes. The proposal on the  
16 floor.

17 THE CHAIRMAN: Okay.

18 MR. ROHAN: That's correct.

19 THE CHAIRMAN: Okay.

20 MR. ROHAN: So the extent of the regulation  
21 is up to the City Council. So that will be done  
22 in the code which you also require -- in this  
23 amendment before you, you require the Council to  
24 adopt the code and you require the Council to  
25 enact -- require a Commission; an Ethics

1 Commission. The extent of the jurisdiction, the  
2 extent of the regulation, is left to the City  
3 Council. And I would recommend to you that  
4 that's a good decision and no further amendments  
5 to that need to be made.

6 That would also apply to the funding. You  
7 are creating a code, you're creating a  
8 Commission, and then the City Council will  
9 determine the extent of the funding of the  
10 Commission.

11 With regard to the subpoena power, as I  
12 understand Commissioner Youngblood's amendment,  
13 if you will look on Subsection B, the fourth  
14 line from the bottom, there's an "and" after  
15 "enforcement agencies." The amendment would  
16 strike that "and." And then if you will finish  
17 that sentence where it says "by this section and  
18 enacted by City Council," you would then add a  
19 semicolon and add this following phrase: "and  
20 which shall not have subpoena power," if that's  
21 the intent of the Commission to recommend no  
22 subpoena power. That would be the amendment  
23 that would conform with Commissioner  
24 Youngblood's request that the Ethics Commission  
25 not have subpoena power.

1           So if that's -- if I'm stating it  
2           correctly, if you'll identify that as a motion,  
3           and they can move forward.

4           MR. YOUNGBLOOD: Through the Chair, I make  
5           the motion to modify Commissioner Miller's  
6           proposal to include that they would not allow  
7           subpoena power. And since it is given by  
8           Council, and we already currently have measures  
9           in place within the city and agencies in place  
10          to facilitate that subpoena power, that we  
11          continue to use those current structures in  
12          conjunction with the Ethics Commission.

13          MS. MILLER: Second.

14          THE CHAIRMAN: We have a motion and second  
15          on Commissioner Youngblood's proposed  
16          amendment.

17          Several people in the queue.

18          Commissioner Austin, did you want to --

19          MR. AUSTIN: I may be redundant, but I'd  
20          like to ask Mr. Rohan --

21          THE CHAIRMAN: Yes.

22          MR. AUSTIN: -- one question.

23          Probably somewhat adversarial with my good  
24          friend, Ms. Miller, when she came in with this  
25          subpoena power and that type of thing.

1           Am I correct that this proposal -- original  
2           proposal, unamended proposal -- is procedural  
3           primarily in nature but does not grant any new  
4           police power or quasi-police power to the  
5           authority?

6           MR. ROHAN: That would be a correct  
7           statement, Mr. Mayor, except for the fact that  
8           if there is a dispute amongst the independent  
9           agencies as to whether the ethics code can  
10          regulate the independent agencies, this ends  
11          that dispute, makes it clear --

12          MR. AUSTIN: That's jurisdictional?

13          MR. ROHAN: Yes. That they have  
14          jurisdiction --

15          MR. AUSTIN: Jurisdictional or procedural.

16          MR. ROHAN: Beyond that, there are no other  
17          substantive amendments in this proposal.

18          MR. AUSTIN: I think it's adequate and  
19          sufficient the way it is, if I can be a  
20          proponent while I speak for General Counsel.

21          THE CHAIRMAN: Commissioner Korman.

22          MS. KORMAN: I guess I have to oppose  
23          Commissioner Youngblood's amendment, with all  
24          due respect.

25          It's not in there. I don't think we need

1 to add it. I think we're starting to muddle up  
2 the process a little bit now. I think that I  
3 have learned -- and I don't have an opinion  
4 about who is subpoena-powered or not, but it's  
5 harder to put something in and then take it out  
6 than it is to put something, you know, in, if  
7 that makes sense.

8 I think that the way the amendment is now,  
9 the way that Commissioner Miller did it, is  
10 perfect. I just think that you're creating  
11 something that's a limitation to the future, and  
12 I'd rather leave it open-ended for the City  
13 Council to make decisions moving forward.

14 THE CHAIRMAN: Commissioner Garvin.

15 MS. GARVIN: I think I have to agree with  
16 Commissioner Korman. I'm not sure I understand  
17 what we're trying to accomplish with this.

18 If I understood what Commissioner Miller  
19 was saying, subpoena power is given through  
20 specific -- through the law, and very -- so we  
21 don't really need to add it or say "you don't  
22 have it" because it's already there. Am I  
23 correct? I mean, are we being redundant in what  
24 we're asking -- what we're doing?

25 MS. MILLER: Through the Chair -- and I'll

1           certainly consult with my fellow lawyer,  
2           Mr. Rohan, but my understanding in statutory and  
3           constitutional construction, particularly with  
4           something like subpoena power which is  
5           obviously -- has a specific police power, as  
6           Mr. Mayor referenced -- unless it's specifically  
7           granted, it's not authorized.

8           I find Commissioner Korman's statement,  
9           which is very interesting and a powerful  
10          argument in my mind, that, you know, if it is --  
11          if the Council can at some point in the future  
12          grant that, then by including this in our  
13          Constitution, the City, then we would be  
14          limiting the City Council's authority to do that  
15          later on, and who is to say that the City  
16          Council might at some point in the future need  
17          or want to do that?

18          So, in my mind, that's a compelling  
19          argument as we, again, don't want to hamstring  
20          the authority of our elected officials to take  
21          the necessary implementation action.

22          So those are my thoughts.

23          THE CHAIRMAN: Commissioner Flowers, I saw  
24          you in the queue.

25          MR. FLOWERS: (Inaudible.)

1 THE CHAIRMAN: Okay.

2 Commissioner Youngblood.

3 MR. YOUNGBLOOD: Not to belabor the point  
4 but to have greater clarification, to prevent  
5 private citizens in a voluntarily capacity to  
6 have a law enforcement or quasi-law enforcement  
7 authority, that would mean such as our  
8 Commission as a voluntary [sic] of the citizens,  
9 to be given authority outside of their  
10 understanding or level of understanding, that  
11 puts a limitation.

12 There are currently procedures in place,  
13 both local and state, that afford that  
14 authority, has been discussed by Commissioner  
15 Miller. To prevent the citizens from ever  
16 having that authority would prevent someone from  
17 being given this subpoena power that doesn't  
18 have the ability to handle it appropriately.  
19 And there are already currently positions such  
20 as the State Attorney's Office, Inspector  
21 General, Attorney General, for local and state.

22 So it was to prevent a citizen from being  
23 given that authority by Council to better  
24 explain my motion.

25 THE CHAIRMAN: Commissioners, I have nobody

1           else in the queue on the Youngblood  
2           modification, so we will vote on that.

3           This is -- just to make sure everybody  
4           understands what we're voting on, we're voting  
5           on an amendment to add language that would  
6           explicitly prohibit the granting of subpoena  
7           power to the Ethics Commission.

8           All in favor of Commissioner Youngblood's  
9           amendment, please raise your hand.

10           Commissioner Youngblood, Commissioner  
11           Herrington, Commissioner Catlin, Commissioner  
12           Catlett, Commissioner Flowers.

13           All opposed to the Youngblood amendment.

14           Commissioner Oliveras, Commissioner  
15           Thompson, Commissioner Korman, Commissioner  
16           Eichner, Vice Chair O'Brien, Commissioner  
17           Austin, Commissioner Deal, Commissioner Garvin,  
18           Commissioner Miller.

19           That amendment fails.

20           Is there anybody else who wants to speak on  
21           the main text?

22           Commissioner Flowers.

23           MR. FLOWERS: I would like to offer an  
24           amendment for independence of the Ethics  
25           Commission. This is why he's talking about down

1 the road. That's five years if we follow our  
2 mindset to ask the Charter Revision Commission,  
3 and he said, Well, we want to talk about the  
4 public confidence and the integrity of the -- we  
5 do not have it from my posture of people talking  
6 to me. So although it's legally correct,  
7 somehow we have to adjust it to a social  
8 attitude of (inaudible) because very few of us  
9 are lawyers that can understand or negotiate the  
10 maze of syntax and all of that to get to what we  
11 want to do.

12 We need to put a vision in there, and  
13 that's the independence of the Ethics Commission  
14 so that they can implement strategies to inform  
15 the public in a manner that calls through. So  
16 if we voted not to have the hotline, certainly  
17 "independent" would give them authority to  
18 implement what they see fit to get the increased  
19 confidence in government.

20 Thank you. As a motion.

21 MR. CHAIRMAN: Is there a second?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: That motion dies for lack of  
24 a second.

25 So we're back on the main text. Any

1 further comments, questions, remarks?

2 COMMISSION MEMBERS: (No response.)

3 THE CHAIRMAN: All right. We'll move to  
4 voting on the main text as distributed to us by  
5 Mr. Clements today.

6 All in favor, please raise your hands.

7 Commissioner Thompson, Commissioner  
8 Oliveras, Commissioner Korman, Commissioner  
9 Eichner, Vice Chair O'Brien, Commissioner  
10 Austin, Commissioner Deal, Commissioner Catlin,  
11 Commissioner Garvin, Commissioner Herrington,  
12 Commission Miller, and Commissioner Youngblood.

13 All opposed?

14 Commissioner Flowers.

15 All right. Thank you.

16 MR. CATLETT: Mr. Chairman.

17 THE CHAIRMAN: Commissioner Catlett.

18 MR. CATLETT: In the interest of making  
19 sure I'm clear for all of this, we occasionally  
20 do work for independent authorities and so I did  
21 not vote either way.

22 THE CHAIRMAN: Thank you, Commissioner  
23 Catlett.

24 Commissioners, I see that City Councilman  
25 Brown is here to address us, so we will move to

1           that portion of our agenda.

2                   (Mr. Brown approaches the podium.)

3           THE CHAIRMAN:   Councilman Brown, good  
4 morning.  If you would just give your name and  
5 address for the record.

6           MR. BROWN:    I'm Reginald Brown,  
7 6167 Basenova Court.

8           THE CHAIRMAN:  And our court reporter will  
9 swear you in.

10          MR. BROWN:    Okay.

11          THE REPORTER:  Would you raise your right  
12 hand for me, please.

13          MR. BROWN:    (Complies.)

14          THE REPORTER:  Do you affirm that the  
15 testimony you're about to give is the truth, the  
16 whole truth, and nothing but the truth so help  
17 you God?

18          MR. BROWN:    Yes, so help me God.

19                   First of all, I'd like to thank all of the  
20 Commissioners for all of the work that you all  
21 are doing here in Jacksonville, making it a  
22 better place for all citizens.

23                   But today I come before you -- as I think  
24 about the framing of the Constitution, I know  
25 that it was without their intent that the

1           Constitution was a permanent, and was intended  
2           to be permanent, and so they actually knew that  
3           and was very cognizant that time would bring on  
4           changes. And that's also here in Jacksonville.  
5           So when I think about ordinance, bills,  
6           legislation, whatever you want to call it, that  
7           whenever it was established, at some point in  
8           our lifetime a change may come.

9           And so I had three areas that I wanted to  
10          bring before this Commission, and I was told  
11          that it was a little late in notice in terms of  
12          being able -- maybe having the authority to take  
13          it up appropriately, you know, in terms of time  
14          constraints, but I can tell you that it's my  
15          intent to move forward in terms of a resolution  
16          with these three areas, but I will like to, for  
17          the record, get it recorded.

18          My three concerns for Jacksonville, not  
19          just as the elected official, but really more as  
20          a member of this city, the first one would be a  
21          question that I would ask this Commission,  
22          should the City Charter be amended to provide  
23          that residents of the Beaches cities and Baldwin  
24          be prohibited from voting for the mayor of  
25          Jacksonville since they already vote for the

1           mayor of their own independent municipalities,  
2           and the voters of Jacksonville do not have any  
3           ability to vote for leaders of those independent  
4           municipalities?

5           I did have -- actually, I didn't do the  
6           research. I had the supervisor of the Office of  
7           Elections to do the research because I wanted to  
8           make sure that there was not a strong disparity  
9           in terms of the number of Republicans and  
10          Democrats that live within those areas because  
11          it could have a major shift on the percentages  
12          if we were to move towards only allowing them to  
13          participate in their municipality's elections.

14          But what I found out is that there was a  
15          margin of maybe 10 percent -- 10, 20 percent --  
16          in each one of those counties; in fact, Baldwin  
17          being the other way around where the Democrats  
18          outnumber the Republicans. And so I look at  
19          this as an opportunity to do what is right.

20          Maybe in 1968 when this was established it  
21          was a good thing, but we're in 2010 now, and I  
22          think that it's unconstitutional -- I'll do the  
23          research to find out -- but I think that it's  
24          unconstitutional that I don't have a say as  
25          to -- and can't participate in elections that

1 take place on the beach because I reside in  
2 other another area of the city. However, they  
3 have the opportunity to vote for two mayors, and  
4 I don't have that luxury.

5 So this is one thing I think that as a  
6 Commission we should look at. And I want to  
7 generate some conversation, not just here but  
8 within the city, because it's definitely a form  
9 of disparity if we look at it and we unveil it.  
10 And again, not questioning the reason it was  
11 established, consolidation -- but consolidation,  
12 it gives us the responsibility to consolidate in  
13 all areas, and I don't think that was done.

14 And so I really would charge this  
15 Commission, if not now -- and I do understand  
16 it's a short time, it should be over this  
17 month -- however, I don't think that -- and I  
18 don't know why it was changed that you all only  
19 meet every ten years. I don't consider this as  
20 a thorn in the side for the Council, and so I'm  
21 also going look at some form of resolution to --  
22 I heard five years, but I think we need to work  
23 aggressively and deliberately in our efforts  
24 here in the City to make this not just a city  
25 for those that have enjoyed the freedom and all

1 of the luxuries, if you will, of this city, but  
2 for everyone. And so I'm going to work on that  
3 as well because I do think that you all need to  
4 meet more often than ten years.

5 The second thing, should the City Charter  
6 be amended to incorporate a residence  
7 requirement requiring all employees of the City  
8 of Jacksonville to be residents of the city?

9 The City previously had such a requirement  
10 and rescinded it. It says in the '80s -- I  
11 think it was '78 -- I think maybe then it was  
12 probably a little more difficult than it is  
13 today to find qualified residents to work here  
14 in Jacksonville that live in Jacksonville.  
15 Maybe that was the problem in '78. I can tell  
16 you that it's not the problem now. And I can  
17 tell you that because of the educational level  
18 that continues to increase here in  
19 Jacksonville.

20 But let me tell you the detriment to  
21 folks -- and I'm actually having the HR  
22 Department to do the research to find out how  
23 many employees we have that do not live in  
24 Jacksonville. And I'll tell you why it's  
25 important -- and I was told this by a previous

1 supervisor, that when the (inaudible) look at  
2 each other differently. We experienced a  
3 financial crisis here, okay. We need to keep  
4 our money in Jacksonville. We need to try to  
5 recirculate those dollars as many times as  
6 possible.

7 I can tell you that when we take our tax  
8 dollars and pay someone that does not live here,  
9 the first thing goes is money towards schools,  
10 the property taxes. All right. They don't shop  
11 here, not significant enough, to impact the tax  
12 base here in Jacksonville.

13 So what I'm saying is that we definitely  
14 need to look at going back to what was working  
15 for the City for a while, and then they decided  
16 during that time that we're not able to get the  
17 best candidates for these positions. But I can  
18 tell you that I believe today that all the  
19 positions that we have that need to be filled in  
20 this city, whether it's on the fire department  
21 to any other appointed position, that we could  
22 find folk qualified that live in the  
23 Jacksonville community in order to increase our  
24 tax base.

25 Other than that, I can tell you that we're

1 going to continue to create a financial burden  
2 on taxpayers here, you know, because we have a  
3 lot of money leaving our city.

4 And I guess to add to that -- and I won't  
5 belabor that particular issue -- is that when we  
6 look at individuals that don't reside in Duval  
7 County, but they can impact the decisions such  
8 as the stormwater tax; you know, that's a great  
9 example. Well, every day all day, because it's  
10 not going to impact them one way or the other.  
11 Well, I think that people -- and I'm for the  
12 stormwater tax, please don't misunderstand me --  
13 but I think if I'm really going to take serious  
14 folk that reside in Jacksonville, and their  
15 positions about whatever the issue may be, I  
16 really think that I should share in that same  
17 community and not be outside of the community.

18 The third issue is, should the City Charter  
19 be amended to require that studies of public  
20 policy issues commissioned directly by the City  
21 or studies commissioned by independent agencies  
22 with City financial support; for example, JCCI,  
23 Greenscape of Jacksonville, Jax Pride, must be  
24 formally presented to the City Council upon  
25 completion and that the City Council must take

1 official action to consider and react to the  
2 findings of such studies, including adopting  
3 action plans, prioritizing implementation of  
4 such plans?

5 And I tell you why I feel that this is a  
6 must change for Jacksonville is that I sat  
7 where you're sitting at, and former Senator  
8 Holzendorf -- Betty Holzendorf -- stood here  
9 with two JCCI study reports. I think there was  
10 a forty-, fifty-year difference, but the  
11 findings and recommendations were the same. And  
12 if we have no intent in making changes, why  
13 would we take good taxpayers' dollars?

14 I can tell you that we're looking at the  
15 disparity study right now. It can run us, the  
16 taxpayers, from 750,000 to 1.2 million. If all  
17 we're concerned about is recommendations and not  
18 implementing the changes that's required, then  
19 why waste taxpayers' dollars to do the study?

20 And we've done a lot of studies in this  
21 city, and we've cost the taxpayers a lot of  
22 money, and if we have no -- and I'll say it  
23 again, and I'll be very passionate about it --  
24 if we don't have any intentions in changing the  
25 findings, then we should not spend taxpayers'

1           dollars to do the study.

2                     That would be it. Thank you all.

3                     Do you have any questions before I step  
4           down?

5                     THE CHAIRMAN: Commissioners?

6                     Yes, you have several.

7                     MR. BROWN: Okay.

8                     THE CHAIRMAN: Commissioner Miller.

9                     MS. MILLER: Through the Chair, thank you,  
10          Council Member Brown, for coming. Appreciate  
11          it.

12                    I was wondering if you wouldn't mind  
13          putting your recommendations into writing,  
14          maybe through e-mail or -- if you have them, so  
15          that --

16                    THE CHAIRMAN: I have them.

17                    MS. MILLER: Okay.

18                    THE CHAIRMAN: I will have Mr. Clements  
19          circulate them.

20                    MS. MILLER: Thank you. That would be  
21          helpful.

22                    And one of the questions I was going to ask  
23          you is apparently what you've already asked the  
24          Human Resources Department for, and that is the  
25          actual number of City employees -- this is

1 recommendation number 2 -- the actual number of  
2 City employees who live outside the county.

3 MR. BROWN: Right. And I will forward that  
4 information --

5 MS. MILLER: That would be helpful.

6 MR. BROWN: -- to the Commission.

7 MS. MILLER: Thank you.

8 MR. BROWN: And I'm asking for the  
9 breakdown of not just names, addresses, but also  
10 salaries because what I'm really -- it's not --  
11 I don't believe that we should do things just to  
12 do things. I think we need to be able to show  
13 the reasons. And so I think if we get a dollar  
14 amount, we will be able to show why it's  
15 important that we make this change.

16 MS. MILLER: And I appreciate that. I'm  
17 less concerned about names, but I certainly  
18 would like to see the break-out.

19 But it's my understanding, through the  
20 Chair to Mr. Rohan, that there already is a law,  
21 a local ordinance, that requires all elected  
22 officials to be -- and I think appointed -- is  
23 it appointed officials or is it just elected  
24 officials have to be residents of Duval County?  
25 Is that correct?

1           MR. ROHAN: Through the Chair, we've gone  
2 back and forth over the years, and I don't have  
3 it right in front of me, but I think the last  
4 ordinance set forth a protocol by which certain  
5 appointed employees could -- had to be local or  
6 they were either grandfathered in or they had  
7 some exception.

8           But it's a very complex, long ordinance on  
9 that, but it's not a mandatory it's everyone.  
10 In fact, I think it deals with the First Coast  
11 area. It involves the five counties right  
12 around, so it's not a limitation to Duval County  
13 at all.

14          MS. MILLER: But for elected officials,  
15 there is a residence requirement obviously, and  
16 that's probably by state law.

17          MR. ROHAN: Yes.

18          MS. MILLER: But then for appointed -- say  
19 for our appointed boards, the -- and I believe  
20 it was sponsored by then Council Member  
21 Jenkins -- there was some residency requirement  
22 for -- but you're saying -- it just would be  
23 helpful for me to understand that, whether we  
24 vote on this this month or this time or for the  
25 future, what is the current requirement, and if

1           it is Duval County, because this is not just  
2           about employees. This is about boards who make  
3           recommendations or have some authority to impose  
4           taxes or like JEA or raise rates or whatever  
5           on -- for the county versus those who might  
6           reside out of the county.

7           MR. ROHAN: And, once again, through the  
8           Chair, I think each board has some separate  
9           requirements. Some of them do require to be  
10          local, some require that you either live or work  
11          or have a substantial relationship to it. I  
12          think in Chapter 50, there's a requirement of  
13          that. So it's pretty much all over the board  
14          right now.

15          MS. MILLER: Okay. I just would like to  
16          understand -- I would like to understand what we  
17          require now because there are boards, like, for  
18          example, the JEDC, and although their  
19          recommendations are for the most part advisory,  
20          but they're advising the Council to award public  
21          incentive dollars for deals coming into Duval  
22          County or not, if that's the use again of public  
23          dollars. So I would be interested in maybe an  
24          expanded analysis of that if we were to vote on  
25          it now or at some point in the future.

1           Regarding the recommendations on limitation  
2           in an election, I had a question on that for  
3           Mr. Rohan.

4           The way I understand the Charter -- and,  
5           granted, it probably is a limited  
6           understanding -- the county -- Duval County --  
7           because we're a consolidated government, there  
8           are county and city powers; municipal powers.  
9           The county provides -- still provides certain  
10          services and taxes the residents of the beaches,  
11          or the beaches' residents contribute something  
12          to the county for the county-provided services;  
13          is that correct?

14          MR. ROHAN: Yes, ma'am.

15          MS. MILLER: Okay. So, in essence, the  
16          citizens of those beaches' communities are  
17          taxed, and some of those tax dollars go to Duval  
18          County, which is the City of -- consolidated  
19          government -- City of Jacksonville?

20          MR. ROHAN: That's correct.

21          MS. MILLER: Okay. So I think that's  
22          where, personally, I would have a question about  
23          whether or not we should deny someone's voting  
24          rights when they're being taxed and they should  
25          have the authority to elect someone who has the

1 ability to decide on how those taxpayer dollars  
2 are going to benefit their communities because I  
3 think it goes toward public safety and sewage  
4 and some of the other -- some of those things.

5 That's just something to consider. That  
6 came up in my mind on your recommendations.

7 And then on the studies, it seems to me  
8 that that -- your study recommendation, although  
9 I haven't seen it, might be a good -- something  
10 to incorporate into the strategic plan  
11 recommendation from Commissioner Oliveras that  
12 when and if the mayor comes up with a strategic  
13 plan, that -- maybe consider these  
14 recommendations even in an ex-officio or  
15 advisory capacity so that they're collected and  
16 they're all brought to bear in that strategic  
17 planning process.

18 That's just a thought. But thank you.

19 MR. BROWN: Okay. Can I respond?

20 THE CHAIRMAN: Yes.

21 MR. BROWN: Just to the last part --  
22 actually, two points, and I'll start with the  
23 last one.

24 One of the things I -- and I'm a rookie, if  
25 you will, on the Council -- but one of the

1 things that I've quickly gained knowledge about  
2 is that we do use a lot of loose terms like  
3 "consider," "may," and nothing ever gets done.

4 And so I think we're going to -- if we're  
5 going to make some changes as a city, I think  
6 we're going to have to be a little bit more  
7 deliberate in the language that we use because I  
8 can tell you that -- for example, I'll use the  
9 disparity study that we're working on today --  
10 that it says that they shall do a disparity  
11 study. But I can tell you that in terms of the  
12 budget -- and the program actually sunset 2009,  
13 okay; however, there's no money that was set  
14 aside. I told you earlier that it's 750,000 to  
15 1.2 million. We're working with -- as a City;  
16 not looking at the outside agencies -- \$300,000,  
17 and we've been knowing this since 2004. Okay.

18 So I do think that we're going to have to  
19 use stronger language. And, you know, I was  
20 talking when people are unwilling and unable to  
21 do the right thing, then we create legislation  
22 and mandate it so it can be done.

23 The second thing, I do agree that if a  
24 person are required to pay taxes into a city  
25 government, they should have access to the

1 election process. Okay. My only concern with  
2 this whole thing is the municipalities. They  
3 have their own municipalities. And so I would  
4 like, if it's a consolidated city, that we only  
5 need one mayor for the entire process, not waste  
6 taxpayers' dollars on what they call heavy  
7 layers, duplication.

8 And so that would be my response to that,  
9 and that's my whole thing is that, listen, you  
10 know, it's time we just do it right. If we're  
11 going to have the largest land mass -- and we  
12 take pride in that -- that's all over the -- I  
13 mean, that's all over the Internet. Well, we  
14 need one mayor. That's it. One mayor for the  
15 entire Duval County.

16 Go ahead.

17 THE CHAIRMAN: Commissioner Catlett.

18 MR. CATLETT: This question is for  
19 Mr. Rohan.

20 Are they not voting for the county mayor as  
21 opposed to the City of Jacksonville mayor when  
22 they're voting?

23 MR. ROHAN: Through the Chair, as presently  
24 constituted in our Charter, the mayor and the  
25 City Council are county officers. So the mayor

1 is a county officer and he's the chief executive  
2 officer of the county, and the City Council  
3 members are County Commissioners for purposes --

4 MR. CATLETT: Then the second thing is, you  
5 know, I don't care whether we have everybody  
6 live in the county or outside or whatever, but I  
7 had the opportunity to be hired to work for  
8 Mayor Jake Godbold in 1980. At the time, I  
9 lived in a little town called Orange Park, so  
10 within a year I had to move my household into  
11 Jacksonville to comply with the then rule that  
12 if you were employed with the City you lived  
13 there. And so I lost much money on moving  
14 because I didn't need to move other than that.  
15 I was glad to do it. I moved across the river  
16 into Mandarin, whereupon the City Council  
17 changed it back.

18 Now, I don't care what you all do, okay,  
19 but make up your minds because it's really hard  
20 on people who weren't making a whole hell of a  
21 lot of money to start with. And it's ridiculous  
22 to keep changing the policy. Whatever the  
23 policy is, set it for a number years or  
24 something because, you know, we're not the ones  
25 who are deciding that. It's you guys who are

1 deciding that.

2 And I'm not as concerned as to what it is  
3 except that it's consistent and it stops  
4 changing because people can't -- average  
5 people -- and I consider myself pretty darn  
6 average -- can't calculate for what y'all are  
7 going to do next. I mean, we just can't.

8 But those are my only two comments.

9 THE CHAIRMAN: Commissioner Oliveras.

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

11 Actually, Commissioner Catlett almost asked  
12 my question for me.

13 Councilman, thank you for being here.

14 With regard to City employees living out of  
15 the county, are your thoughts leading to a  
16 phase-in or a grandfather provision? Because I  
17 work for the sheriff and we have a number of  
18 officers who live out of county. I live on the  
19 Westside. I'm inside. But for an officer with,  
20 you know, three or five years on, who happens to  
21 come from Clay or St. Johns County, they're  
22 going to lose a bucket of money if they have to  
23 sell their home.

24 MR. BROWN: Right. And I agree with you.

25 I do think that it should be grandfathered. And

1 I'm not trying to hurt anyone. What -- and I  
2 agree that we need to be consistent. That law,  
3 in my opinion, should have never changed because  
4 it hurt the city.

5 So to answer your question, it definitely  
6 could be a grandfather clause whereas if you're  
7 already currently working for the City, then you  
8 could remain. We will encourage that you move  
9 to the City because I can tell you, quite  
10 frankly, most people say they leave because of  
11 education system.

12 Well, the number one tax that you pay  
13 support education systems in other counties.  
14 And so if we had those dollars -- and so I would  
15 definitely encourage, but I would not want to  
16 mandate folk that have been working with the  
17 City. It would have to be something that  
18 starts -- if we implement it 2011, from that  
19 point forward you need to be required to live in  
20 the county if you're going to work for the  
21 County. And it should never change.

22 Twenty years out, we'll allow another group  
23 of folks to sit around and debate the issue  
24 because, like I say, time does bring on the  
25 change, you know, but we definitely need to

1 really take a serious look at it because of the  
2 budget crisis. You think it was bad last year  
3 or this coming year? Let's look at two years  
4 out. I can tell you that it's going to be a  
5 real pill to swallow for all of us that live  
6 inside the city, and so we need to garner as  
7 much financial dollars back into the city as we  
8 can do.

9 THE CHAIRMAN: Okay. Commissioner  
10 Youngblood.

11 MR. YOUNGBLOOD: Thank you.

12 Through the Chair to Councilman Brown,  
13 thank you so much for your service.

14 You stated earlier that you're a junior  
15 councilman. Those are outstanding proposals.  
16 It's something that we have looked at, and I  
17 wish you could have been here sooner.

18 Again -- and I ask the Chair if there's  
19 something more that we can do to help him  
20 trumpet this proposal and, you know, can we come  
21 out compellingly and overwhelmingly as a  
22 Commission to support some of this? Because  
23 what we've looked at in both public safety and  
24 in education, those individuals that are  
25 currently paying into the system but saying, I'm

1 seeking a better home outside this community or  
2 better education outside this community, they're  
3 not paying into the system, which in turn brings  
4 a shortfall which we've seen.

5 So these are outstanding proposals that I  
6 think gives greater accountability for living in  
7 this city, and also greater understanding of  
8 where the tax dollars are being spent versus  
9 someone out of county making decisions within  
10 the city.

11 And I do agree we don't want to hurt  
12 anyone, and with the idea of grandfathering  
13 those individuals and making a proposal forward  
14 for our consolidated city government and our  
15 charter.

16 So, outstanding proposal, and I'd love to  
17 see what we could do more since we have such a  
18 short time to help him with his recommendation  
19 because it's very evident he's here before us  
20 today because they do want to hear --  
21 they do want to hear us with this  
22 recommendation.

23 Thank you, Mr. Chairman.

24 THE CHAIRMAN: Commissioners.

25 Mr. Rohan.

1           MR. ROHAN: Through the Chairman to members  
2 of the Commission, I have e-mailed Ms. Miller  
3 and Mr. Clements and forwarded on to the rest of  
4 the Commission the current residency  
5 requirements for boards and for employees, so  
6 you will have them available to review.

7           The wonder of the Internet.

8           THE CHAIRMAN: Thank you, Mr. Rohan.  
9           Commissioner Flowers.

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

11          Mr. Brown, we refer to the City Council,  
12 one cannot bind another to anything; is that  
13 true?

14          MR. BROWN: Each term you're talking  
15 about? That's correct.

16          MR. FLOWERS: So if we look at all these  
17 innovations and talk about time served and all  
18 that, how can we adjust that, in your opinion?

19          MR. BROWN: Well, I think that the strength  
20 of the City lies within this Commission, and  
21 this is why I would recommend: One, that  
22 ten years -- you know, meeting every ten years  
23 is definitely -- should not be an option. We  
24 need to deal with a lot of these issues a lot  
25 sooner, and, again, we need to be very

1 deliberate with our actions.

2 I think that bringing things before the  
3 people -- we're elected by the people, and I  
4 think that if we have more discussion at the  
5 coffee marts out there and other places, places  
6 of worship, schools, I do believe that we will  
7 generate -- we'll start to generate, even in our  
8 own civic organizations, dialogue about the best  
9 ways to move this city forward.

10 And we listen, I do. I listen to my  
11 constituents because those are the folks that  
12 voted us into office, and so it would not be a  
13 wise gesture for an elected official not to  
14 listen to the requests of their constituents,  
15 and so I think it starts here, though, with an  
16 ongoing aggressiveness in terms of making sure  
17 that we're doing the right thing by the  
18 Commission, you know, because you guys are  
19 really the checks and balances of the City.  
20 That's the whole purpose, my understanding, of  
21 this Commission.

22 THE CHAIRMAN: I have nobody else in the  
23 queue.

24 Councilman, thank you very much for coming  
25 down. These are great ideas. I do wish we had

1 more time to look at them. I do think we can  
2 find a way to work them into our report, though,  
3 perhaps under a section entitled Other Issues  
4 that we considered or heard about or other --  
5 you know, other things for the City Council to  
6 consider even though we don't have time to take  
7 perhaps a formal position on them.

8 MR. BROWN: And I do appreciate you-all's  
9 time today. It is my intent, as I stated  
10 earlier, and it's actually in the process of  
11 creating a resolution. I don't know how far  
12 we're going to get with it, but my intent is  
13 to -- it's now time to generate some  
14 conversation in this city for change.

15 Thank you-all.

16 THE CHAIRMAN: Thank you, Councilman.

17 Commissioners, I think at this point we are  
18 ready to move into debate on the issue of  
19 education reform. I don't anticipate that we're  
20 going to hear any more speakers on this issue.  
21 Dr. Wong was the last one that I planned for us  
22 to hear from. We have today and the next  
23 meeting. We have to vote on our final report at  
24 our meeting on the 25th.

25 And so I would, at this point in time,

1           throw the floor open. Anybody want to put  
2           anything on table?

3                     Vice Chair O'Brien.

4                     MS. O'BRIEN: This is more of a comment in  
5           terms of all of our different presenters,  
6           whether it was an elected or an appointed  
7           position of which that person was coming from,  
8           to me, personally, there just seemed to be a  
9           fairly common thread in what made school systems  
10          successful.

11                    In particular, what I seem to pick up --  
12          and I don't have those notes exactly in front of  
13          me, but it seemed to be more power within the  
14          principal at a grassroots level and giving that  
15          principal more power to pick his or her  
16          teachers, to have the power to hire and fire  
17          those teachers themselves, more independent  
18          authority over their own budgets and how best to  
19          spend their budgets within their school  
20          classrooms.

21                    It seemed to be a theme of choice among  
22          parents and students what schools to go to.  
23          Those seem to be some of the themes I saw in  
24          whatever systems that were presented to us which  
25          seemed to make for a more successful school

1 system, whether it was mayoral, appointed, or an  
2 elected school board.

3 And my challenge to whatever system  
4 proceeds in the future for Duval County is  
5 having elected or appointed people who are  
6 willing to make the hard decisions, and  
7 that's -- you know, I realize it's very hard in  
8 particular for elected people to make hard  
9 decisions because, of course, not everybody  
10 who's a voter understands all the nuances of an  
11 issue.

12 But, to me, we in Duval County need to make  
13 some very hard decisions to change our school  
14 system, and today I haven't seen that those  
15 changes are taking place.

16 THE CHAIRMAN: Commissioner Oliveras.

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

18 Two things: The first thing -- and I  
19 almost hesitate to bring it up -- the idea of  
20 another committee or commission. I keep in mind  
21 what Commissioner Austin said about the tendency  
22 for committees to muddle things up, and it could  
23 be the case. But one of the things that has  
24 dogged me through this process of the speakers  
25 and the -- from the outside experts, the school

1 board officials, I have not heard and I am  
2 desperate for information as to how we fix  
3 specific problems with regard to the achievement  
4 gap for minority students. How do we get  
5 there? What are the details?

6 You know, I don't really -- I'm not -- I'm  
7 no longer interested in hearing, "We have to  
8 close the gap." I want to know how we close the  
9 gap. I want to know specifically what points, A  
10 through Z, are you going to do as an educator,  
11 as an administrator, as a school district. What  
12 will we do specifically to close that gap?

13 The issues related to poverty in our  
14 schools and how it's reflected, discipline in  
15 our schools. I haven't heard what I need to  
16 hear, whether you're for the mayoral control  
17 side, elected, appointed. To me, that -- I want  
18 to know how we fix these problems that these  
19 children are facing and dealing with on a  
20 day-to-day basis that they bring to school.  
21 Whether they come to a public school, whether  
22 they come to a charter school, they leave  
23 home -- they leave that home environment, and  
24 they go into a school environment. And we  
25 expect these children to learn, but they might

1           be living in a car, and we still expect them to  
2           learn.

3                    But we don't study this. We don't -- we --  
4           as a district, I've heard nothing as to what  
5           needs to be done specifically to address these  
6           issues. And I guess I'm just saying that I  
7           would like for the commissioners to consider the  
8           possibility that we support something perhaps  
9           from JCCI to -- a detailed study of what's not  
10          working with our kids in our school district  
11          because I'm sure everybody in here -- we have  
12          studied and looked at New York and Chicago and  
13          Houston and L.A. and every place else. But I  
14          would like to have some satisfaction in knowing  
15          that we understand our problem, that we  
16          understand our demographics, that we understand  
17          our socioeconomic issues here, the issues  
18          relating to delinquency and poverty and crime,  
19          and what we need to do in Jacksonville to fix  
20          those things.

21                   And I would like to see some detailed study  
22          with some real solutions, with some real answers  
23          as to how we fix those problems because these  
24          are the problems that plague us, you know, and  
25          we -- you know, whether -- and I agree on the

1 issue of principals have a lot to do with that  
2 from other schools. But we are bringing these  
3 children in from the community, and when you  
4 look at from where these -- the places these  
5 children come from, education is the last thing  
6 on these kids' minds. And we have got to get to  
7 a place, I believe, where we solve the  
8 underlying problems so that we can reinforce  
9 education for these kids.

10 And so I am just suggesting that we  
11 consider the idea of a detailed study,  
12 longitudinal study of these students, who they  
13 are, where they're coming from, what are their  
14 encumbrances to their education, and what the  
15 solutions to those encumbrances are. That's the  
16 first thing.

17 And the other thing is I would -- just a  
18 question, Mr. Chairman. Is it your intent to  
19 try to break out the discussions on this  
20 elected, appointed, charter school district?  
21 Separate the issues slightly, so we don't get  
22 kind of muddled?

23 THE CHAIRMAN: What I would like to have is  
24 some extended discussion before anybody makes  
25 any motions.

1           But to answer your question, I think you  
2           could or we as a commission could do either an  
3           omnibus recommendation to the Council, which  
4           would be something along the lines of, "We, the  
5           Charter Revision Commission, recommend that the  
6           Council look at a range of options to address  
7           educational reform," because I think it's clear  
8           we have -- well, it's clear we have a problem.  
9           I don't think anybody disputes that.

10           Even Mr. Ballentine from the School Board  
11           confirmed that 77 percent of our schools are  
12           under some form of state monitoring for failure  
13           to make adequate progress. I mean, if  
14           77 percent of our hospitals were under the same  
15           type of monitoring or review or whatever, nobody  
16           would argue that we don't have a public health  
17           crisis. So clearly I think we have a public  
18           education crisis.

19           And I'm sympathetic to your feelings  
20           about, "Well, I want real hard data." I submit  
21           that we've got that data. The data are there  
22           that we have a problem. I agree that perhaps we  
23           don't know how to fix the problem, so we could  
24           recommend to Council a -- our formal  
25           recommendation could contain a range of possible

1 solutions for them to consider, and that could  
2 range from at one end full mayoral appointment  
3 of the School Board and in the middle a charter  
4 school district or the creation of charter  
5 schools, individual schools overseen by the  
6 City. And then perhaps at the other end, moving  
7 from single member districts to at-large  
8 districts. I think that -- personally, I think  
9 that's low hanging fruit.

10 And then I guess the fourth option, we do  
11 nothing, I mean, so that our recommendation to  
12 them -- rather than focusing on one solution, we  
13 could say, "You, Council, look at all of these  
14 and then you decide what you think is the best  
15 and then let the people decide."

16 So that's a long answer to your question.  
17 I don't know that we have to get an either -- I  
18 don't know that our proposed recommendation  
19 needs to be either/or. I think it could be  
20 here's the range of menu -- here's the menu, the  
21 range of options that we as a commission have  
22 heard testimony on, and if you want more data,  
23 call some of these people back yourselves or  
24 commission a JCCI study or just vote and put it  
25 on the ballot or do nothing. I mean, obviously

1           they could do nothing. I hope they don't. So  
2           that, I think, is my ideal outcome, but then  
3           that's my personal opinion.

4                     Commissioner Youngblood.

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

6                     Most of the speakers that we have heard  
7           from seem to be very damning to our city on how  
8           we're doing, and to have heard from our city on  
9           how we're doing, it's still mediocre at best.  
10          We're not the worst, but we're not the best.  
11          But we're not getting the best for what we're  
12          spending, so it really comes back to  
13          accountability of an appointed versus elected.  
14          The elected official still needs to be held  
15          accountable.

16                    Each of these individuals continue to come  
17          up with a unique model of this KIPP, the  
18          Knowledge is Power Program, schools thinking  
19          that this is the -- as it was proposed, the end  
20          all, be all opportunity. I disagree. After  
21          doing some private studies of the KIPP program,  
22          they're plagued with some of the same  
23          difficulties and charter schools plagued with  
24          the same difficulties that our current school  
25          board is plagued with.

1           But upon greater investigation privately, I  
2           also see that there are State requirements and  
3           State mandates that really ties the hands of our  
4           elected officials that we don't have the  
5           sovereignty and the home rule that was intended  
6           for the City of Jacksonville for us to make  
7           decisions to better help our students.

8           So how do we unwrap the layers of  
9           bureaucracy between us and Tallahassee so that  
10          we can make greater decisions with the money  
11          we're spending? The map may not be perfect, but  
12          at 126,000 students on almost a \$2 billion  
13          budget, almost \$15,200 per student spent -- and  
14          someone else could do the math and come up with  
15          a different equation because it's not really a  
16          1. -- or a \$2 billion budget, but 1.9, somewhere  
17          in there. You could ask the school board  
18          directly. We know we're not getting our money's  
19          worth for the education that our children are  
20          receiving.

21          And to speak to Mr. Brown that spoke to us  
22          earlier, with so many people moving out of the  
23          City, and overwhelmingly I hear, "Why did you  
24          move?" "Well, they have a better school  
25          program." That bothers me because then we will

1 never correct what we have because they're  
2 running from the problem. And I think that's  
3 the reason we're tackling this difficult  
4 question.

5 So with this question, I bring back to the  
6 table the ability to recall an elected  
7 official -- and I'm not saying that we need to  
8 put this in our findings. Appointed or elected  
9 is not the answer. Charter versus KIPP is not  
10 the answer because it seems as if they're having  
11 the same struggles, the same difficulties. But  
12 if we have a problem with our elected  
13 official -- which we made the decision. We  
14 chose them. We elected them, and we can't  
15 remove them for four to eight years, whatever  
16 the terms may be in their respective  
17 departments, then we've really been hamstrung as  
18 the public.

19 So how do we make it not easy? Because we  
20 don't want it abused, but we do want it easier.  
21 And not to attempt to continue to retable this  
22 discussion, but if we really come down to  
23 accountability, how do we hold them with greater  
24 accountability? They need to know they can be  
25 removed. We've never done it. It's been in

1           there in the Charter since its inception, and  
2           we've never done it. If we did it, it's  
3           wielding the saber of the public saying, "We can  
4           and we will and you will listen." That's great  
5           accountability directly to the people, not  
6           through a mayor, not through another layer of  
7           bureaucracy, but directly back of the people.

8           So I guess I bring to our attention, if  
9           accountability is a problem, can we hone in on  
10          where do we give greater accountability? And  
11          that's my opinion, not in the form of a motion,  
12          but for discussion.

13          THE CHAIRMAN: Commissioner Miller.

14          MS. MILLER: Through the Chair, just  
15          picking up on the comments of all the  
16          commissioners who have spoken on this issue and  
17          just add a little bit of information and  
18          perspective, I think what we have -- in terms of  
19          a recommendation for a study, I think we know,  
20          as you stated, we have a crisis. We may not  
21          know exactly the areas, but I think we have --  
22          we have some sense of the areas.

23          What I think we have gained from this  
24          experience is we have been the body that has  
25          examined best practices or maybe worst

1 practices, but practices throughout an -- in a  
2 range of practices in educational reform  
3 throughout the nation.

4 And certainly Dr. Wong would have been a --  
5 just a tremendous complement to pull all that  
6 together, but we have heard from some of the  
7 best of the best. We've heard from our own  
8 district on -- and what we know is that there's  
9 no one single panacea. There's no one answer,  
10 and every community has to come up with the  
11 answer for that community.

12 But what we have heard, I think -- one of  
13 the things we've heard is that the single most  
14 important aspect of change in order to  
15 effectuate meaningful change is to empower --  
16 empower the schools and the principals and to  
17 direct resources, both financial and authority  
18 and responsibility, to the schools to make hard  
19 decisions. And in order to empower them, you  
20 have to have the ability to give them the power  
21 and the political will -- or the will to do  
22 that.

23 As Commissioner O'Brien noted and as, you  
24 know, Ms. Jacobs noted and several of the  
25 speakers have noted, that is next to impossible

1 to do for an elected official. They don't have  
2 the ability because, as we know, school district  
3 races are mostly beholden to special interests  
4 because of the low turnout. And because of  
5 their own district's political pressures, they  
6 don't either have the ability or the will to  
7 make those hard decisions and direct the  
8 resources.

9 What we have heard over and over again is  
10 that the single most important change in order  
11 to effectuate and implement that power is a  
12 change in governance, a change in governance.  
13 So the change in governance could be from  
14 elected to appointed. That's one option. The  
15 change in governance could be to a charter  
16 school district. And I appreciate Mr. Rohan's  
17 memorandum on that, and if you -- well, it does  
18 confirm that municipalities can charter a school  
19 district.

20 So the change in government for a charter  
21 school district, again a public school district,  
22 allows the -- allows a single authority to  
23 implement change, to grant authority and to  
24 stand by what are perceivably difficult  
25 decisions, difficult decisions. And if you look

1 at the experience of Secretary of Education Arne  
2 Duncan in Chicago, if you look at the experience  
3 of Michelle Rhee in Washington, DC, very, very,  
4 very difficult decisions, but it comes down to  
5 governance and the ability of someone to support  
6 difficult decisions to effectuate change, not  
7 always popular. Change is not going to be  
8 popular, but we don't elect our officials to  
9 make popular decisions. We elect our officials  
10 to make the right decisions for our community.

11 And so -- and so, with that, I think we  
12 need to look at empowerment and change in  
13 governance or at least options for change in  
14 governance and then give our elected officials,  
15 who we elect to make the right decisions for our  
16 community, to -- we can find that we -- there is  
17 a crisis. We can find that we have examined  
18 best practices and that there are some common  
19 themes running through that, and some of those  
20 common themes almost always include a  
21 fundamental change in governance with the school  
22 district. Now, that can, as I said, have  
23 different forms. It could be a hybrid form.  
24 There are different forms in that.

25 But I think that our recommendations, as

1           you have characterized it, an omnibus type of  
2           bill can be concurrent findings. There are  
3           multiple recommendations. There are common  
4           themes that run through that. Here are some  
5           recommendations. It doesn't preclude a JCCI  
6           study. That can be ongoing while these  
7           recommendations are implemented. It doesn't  
8           preclude a charter school district that might  
9           run currently with the change of governance for  
10          the main school district. But I think we owe it  
11          to our community to present the options, and if  
12          the Council decides that it should go to a  
13          referendum, then it goes to a referendum.

14                 I would note to the Commission that, as you  
15          know, General Jim Rinaman, who has presented  
16          before this commission, has -- has presented a  
17          response in his February 3rd letter to the  
18          commission, which we have before us, and I would  
19          encourage you to read that.

20                 And with all due respect to the General  
21          Counsel's Office, he takes specific issue  
22          with -- with the General Counsel's -- well,  
23          with -- with W.C. Gentry's letter -- legal  
24          letter but also the analysis by the General  
25          Counsel's Office in terms of the legal precedent

1 for our consolidated government.

2 And he goes to great lengths, I think, even  
3 more so and in better form than his previous  
4 letter, to state that we don't have a charter  
5 county. We have a consolidated government. It  
6 is unique and it is different, and after -- and  
7 if you read the legal precedent, you know, in  
8 1968, the Florida Constitution was amended to  
9 allow for -- you know, provide for a uniform  
10 system of schools and provide for school  
11 districts and boards.

12 After that, after that, okay, the  
13 constitution was then amended in 1969 to include  
14 our Jacksonville charter, and that Jacksonville  
15 charter said that we can redefine our school  
16 districts. It said that -- it provided a lot of  
17 authority to the City -- to the consolidated  
18 government over the school district. So there  
19 is more than a compelling legal argument that we  
20 do have the authority as a consolidated  
21 government to make this change.

22 As to the contention that there is going to  
23 be litigation, well, there's always litigation.  
24 There is always the threat of litigation. And,  
25 in fact, on the school bus issue that he

1 mentioned, there was litigation. Then School  
2 Board Member Gwen Gibson actually sued, I  
3 believe, Rick Mullaney and the consolidated  
4 government over the school bus contract, a  
5 binding legal opinion. It didn't go anywhere.

6 Okay. There's always going to be  
7 litigation. And so we can, again, hide from the  
8 threat of litigation, but as Mr. Rinaman  
9 justifiably points out, if there had been the  
10 concern about threat of litigation, we wouldn't  
11 have the consolidated government we have today.

12 So I say that because I do think we have  
13 the authority, and I think that any position,  
14 other than that we have the authority, is  
15 inconsistent with what we know about our -- the  
16 constitutional amendments and our -- and -- that  
17 have formed this government. So that's my  
18 soapbox on that. So thank you for indulging me  
19 on that one.

20 But I would like to see something that  
21 says, "We have examined the best practices and  
22 we have found" -- I do think we have found that  
23 there -- that the single most important change  
24 in order to effectuate change and change results  
25 in schools is empowerment, and empowerment comes

1 from a change in governance structure. And that  
2 governance structure can look at -- can look --  
3 can be in many different forms: appointed  
4 versus elected, hybrid, charter school  
5 district. There are lots of options.

6 Our elected leaders can and our citizens  
7 can and should vote on that, but I think we've  
8 done the hard work, and we can make some very  
9 consistent recommendations that have a focus on  
10 empowerment and changing governance.

11 THE CHAIRMAN: Commissioner Garvin, did you  
12 want to speak? You were in the queue earlier.

13 MS. GARVIN: No. I agree with what she  
14 said.

15 THE CHAIRMAN: Okay. Commissioner Korman.

16 MS. KORMAN: I think this has been our --  
17 probably our most we'll call it contentious  
18 topic and I think it's been frustrating in  
19 certain ways that the public -- some of the  
20 public has -- doesn't like to have open  
21 conversations, and I hope this was a good  
22 example for people, that having conversations  
23 are helpful and they're not hurtful  
24 necessarily. It's just going through and  
25 discussing options. Nothing is set in stone,

1           and I hope that the people who really didn't  
2           appreciate what we did to explain the issue  
3           really reevaluates their thoughts after these  
4           eight months of discussion, so I think they have  
5           been very worthwhile.

6           I think we all on the Commission want our  
7           city to grow and to improve, and I think what I  
8           have noticed from this -- and, you know, I'm  
9           very lucky, as all of the rest of you, to be on  
10          the Commission because we've learned a lot. I  
11          mean, to hear sometimes the public say that if  
12          we were to go at looking at an appointed school  
13          board, they would lose their right to vote.

14          And I think we're lucky and they may not be  
15          as far as understanding all the knowledge and  
16          all the research that we've had is actually if  
17          you go to a narrower form of accountability is  
18          actually a stronger vote than when you vote for  
19          an individual school board because the school  
20          board is made up of seven people, but you only  
21          get to vote for one. So I think that's been a  
22          really strong thing that I have learned.

23          I also think that we do ourself a  
24          disjustice by having a mayor that can't be part  
25          of the education process, and I think people

1           forget that. People may not know that too, that  
2           our mayor, he or she or whoever it may be in the  
3           future, wants to continue to improve  
4           Jacksonville. And in order to do that, they  
5           have to be able to have every single piece of  
6           the pie and touch it and have some involvement.

7                   And I think that with the examples that  
8           we've seen from other cities, I know no other  
9           city is like Jacksonville. We all have  
10          similarities, and we all can learn from the  
11          other cities and what they did and some of the  
12          improvements they have made and also learn from  
13          their mistakes. I think that if we were to stay  
14          where we are -- it's nothing to do with the  
15          current School Board -- I think that would not  
16          be a good move for us. I don't think the -- it  
17          would be good for our future families or our  
18          current families.

19                   And I really, truly believe that we all  
20          need to go back and look at everything that we  
21          have heard and to really examine making a  
22          change, and all we're doing is making a  
23          recommendation to make a change. And then  
24          lawsuit, no lawsuit. I mean, all of our  
25          companies we work for have been sued before. I

1 mean, litigation, unfortunately, is part of our  
2 world today, so I hope it doesn't stop anybody.

3 But it's about making good policy and about  
4 continuing to make Jacksonville a great place to  
5 live. And I would really ask that everyone  
6 really hard and look at the different options of  
7 making a change that I think would benefit all  
8 of us: economic development, growth of our  
9 city. You know, I can go on and on and on.

10 But I really am going to go back and read  
11 all of it and really look back at Mr. Wong's  
12 presentation. I'm disappointed he won't be  
13 here. I really thought that he'd have a great  
14 presentation. I understand that he can't be  
15 here. But I think that mayoral accountability  
16 where we basically have a mayor who's CEO --  
17 and, I mean, we all heard it. School board  
18 members really never not get reelected. Mayors  
19 do. We see mayors lose. And I think we need  
20 really one person that can be accountable for  
21 everything, so that's it.

22 Thank you.

23 THE CHAIRMAN: There's nobody else in the  
24 queue, so I'm going to make a few comments, but  
25 feel free to press the blue button if you want

1 to be heard.

2 The things that have struck me from what  
3 we've heard are the costs of doing nothing, the  
4 costs of making no change. I see those costs as  
5 follows, and there are several different  
6 orders:

7 The first order of cost, in my mind,  
8 consists of the fact for that college dropout,  
9 the median income is \$20,000 compared to 50,000  
10 for a college graduate. They're 47 times more  
11 likely to wind up incarcerated. And for young,  
12 black male dropouts, on any given day,  
13 25 percent of them are incarcerated or  
14 institutionalized. So that's the first order of  
15 cost to the dropout, himself or herself.

16 Then there's the \$395 million, as  
17 Mr. Tilson calculated it, that we as a tax base  
18 are spending to educate each class of child,  
19 K through 12. Call them a cohort; call them a  
20 vintage; call them, you know, the class of  
21 2020. You know, as we move through the system,  
22 we spend \$1.1 billion in 2009 dollars educating  
23 that group of kids. And when you take --  
24 multiply that by a 35 percent dropout rate,  
25 that's \$395 million that we're spending that

1 doesn't result in a workforce-ready product,  
2 that doesn't result in somebody who is able to,  
3 you know, take care of themselves in many  
4 respects. And so that's the first order of cost  
5 to the rest of us.

6 Then you have the second order of costs  
7 of -- because the higher -- the dropout rate  
8 leads to higher rates of criminality, you need  
9 more police officers, which in turn creates more  
10 pension obligation costs. You need more jails.  
11 You need more social welfare services. So those  
12 are all second order of costs.

13 And then there's the third order of costs  
14 of -- because we don't have a highly-educated  
15 workforce, as highly as we could, I would  
16 submit, we don't recruit as many high-paying  
17 jobs as we could because we don't -- I'm on the  
18 Business Development Committee at the Chamber.  
19 And when we meet, they pass out their list of  
20 prospects of businesses that they're working  
21 with to try to bring them here, and it lists  
22 what their criteria are for the city that  
23 they're looking to relocate or expand in. And  
24 almost always it's educated workforce so that  
25 they know there's a pool of labor that they can

1 hire and bring in, and they will be productive.

2 So our dropout rate directly affects our  
3 ability to recruit business here. So as a  
4 result, you know, we have a lower paid  
5 workforce, which in turn leads to lower property  
6 values.

7 I think we all know Commissioner Garvin is  
8 a realtor. I think we all know that property  
9 values in Clay County and St. Johns County are  
10 higher and in no small part due to the fact they  
11 have better school systems than we do. And then  
12 in turn because we don't have an educated  
13 workforce, we can't get highly paid jobs, then  
14 our property values are lower, what does that  
15 mean? Our millage rate has to be higher. To  
16 get the same tax revenue off roughly the same  
17 number of properties, our rate has to be higher  
18 here than in Clay and St. Johns County. So  
19 those are the third order of costs.

20 So even if you are somebody who feels like  
21 you are not engaged in this issue because you  
22 don't have children or they've grown up and  
23 moved away or you're a retiree, if you own  
24 property in Duval County, this issue affects  
25 you. So there's nobody who isn't involved in

1           this, in my opinion. And I think a lot of  
2           people think, "Well, that's not my problem." It  
3           is your problem for a lot of reasons.

4           I think what we have seen is that the  
5           problem -- or the educational outcomes are not  
6           the fault of the children. We have seen, I  
7           think, in Mr. Tilson's testimony and in  
8           Ms. Jacobs' testimony, the children can learn.  
9           Given the right resources and access to good,  
10          quality teachers and the right learning  
11          environment, the children can learn. The people  
12          who aren't getting the job done are not the  
13          children. It's the adults. And there are a  
14          host of reasons for that, and there's plenty of  
15          blame to go around. And I'm not pointing the  
16          finger at any one particular constituency.

17          But at the end of the day, I don't see this  
18          as change for change's sake. This is change for  
19          the kids' sake. Our own school system has told  
20          us 77 percent of our schools aren't getting the  
21          job done according to the state standards.  
22          We've got a dropout rate that's at the bottom.  
23          Of 96 percent of the kids in the state,  
24          96 percent of the school age kids, our  
25          graduation rate is 40th out of 40.

1           To me, all of this data is unacceptable and  
2           we may not have the silver bullet solution  
3           today, but all I've heard from the defenders of  
4           the status quo is, "We're working really hard.  
5           We've finally got a group of people who can get  
6           along together. Give us a little more time."  
7           That may be a reasonable strategy, but at the  
8           end of 45 years of educational mediocrity, I am  
9           no longer willing to wait.

10           I know that the paper has -- I commend the  
11           paper on the editorial from last Sunday. That  
12           was fantastic. But I'm no longer willing to  
13           give them another five years, and then we come  
14           back because that's five more years of children  
15           who suffer.

16           And so my personal preference is that we  
17           recommend to the Council a range of options that  
18           include something that we have seen it elsewhere  
19           in other cities, can result in meaningful change  
20           that benefits the children.

21           And so my personal -- as I said earlier in  
22           response to Commissioner Oliveras' question, I  
23           think that we should recommend to the Council a  
24           range of options, that we don't endorse any  
25           particular solution because, as Commissioner

1 Miller said, they're the elected officials.  
2 We're advisory only. And the mandate of  
3 consolidation -- one of the two, I think there  
4 are two or three key mandates of consolidation.  
5 But one of them is centralize accountability,  
6 focus responsibility. So they're the elected  
7 officials. Let them make that call.

8 I think we have done the hard work. I hope  
9 that you feel like the speakers that we have  
10 heard from have educated you on aspects of our  
11 educational system that you weren't aware of. I  
12 know I was unaware of the depth of the crisis.  
13 I would call it a crisis.

14 So at this point, that would be my  
15 recommended solution, that we present to Council  
16 a recommendation that includes a range of  
17 options, let them do with them as they see fit.  
18 They can commission a study. They could vote  
19 right away. Either way, I think anything that  
20 they do -- and we should put in in our  
21 recommendation -- should require that it go to  
22 the people.

23 As Mr. Rohan has told us, there are really  
24 two ways that we could do this. The legislative  
25 delegation could make the change by themselves

1 without public input, or the Council could do it  
2 with a local referendum. Absolutely the public  
3 should be heard on this. And so I would not  
4 want -- I would want our recommendation to make  
5 that clear, that the people have to weigh in.

6 I think Commissioner Korman is right. Yes,  
7 they would perhaps in the short-term be giving  
8 up their vote for electing their school board  
9 member, but it makes their vote for mayor that  
10 much more important. No mayor, if we move to a  
11 mayoral accountable system, would be able to  
12 ignore this issue. They would have to be --  
13 their number one priority, in my opinion, or  
14 else they would face the wrath of the voters at  
15 the ballot box.

16 We -- when you contrast that with the  
17 school board system where two of the current  
18 people serving on the board have never served  
19 two full terms without ever appearing on the  
20 ballot because they ran unopposed, and they are  
21 a single member district, they are functionally  
22 appointed -- twenty-eight percent of our school  
23 board either is or has been in the past  
24 functionally appointed. They are not  
25 accountable under those circumstances to anybody

1           in their district for educational outcomes  
2           because they did not face the voters. They did  
3           not have to go to the voters.

4           So, again, I think at a minimum, the low  
5           hanging fruit would be to change the single  
6           member districts to at-large because that way  
7           that outcome -- if you take the defenders of the  
8           status quo at their word and say, "The people  
9           should have a right to vote. Don't take that  
10          away from the people," then I don't see how they  
11          could be opposed to increasing the opportunity  
12          for the public to hold them to account for  
13          educational outcomes maybe in some cases for the  
14          first time.

15          And, again, this -- I've forgotten who  
16          mentioned this now. I'm not aware, and please  
17          correct me, I don't know that there's been a  
18          school board member incumbent who was defeated  
19          for reelection. So I think we clearly have a  
20          crisis. I think we have a well-meaning school  
21          board, but I don't think that continuing to do  
22          the same thing we've done for 50 years is an  
23          option anymore. You know, I think we've given  
24          the wait-and-see approach enough time.

25          So I have spoken for quite some time. We

1 don't have a motion on the table.

2 Anybody else want to say anything?

3 Commissioner Austin.

4 MR. AUSTIN: Mr. Chairman, I didn't  
5 understand the giving the City Council options.  
6 It seems to me like we would recommend  
7 specifically what we're going to -- what we want  
8 to recommend. What do you mean by that?  
9 Could you explain it?

10 THE CHAIRMAN: Well, my conception is that  
11 we would present to them a recommendation that  
12 says, "Consider education reform. We have a  
13 crisis. Do something. Here are some potential  
14 options that we have heard testimony on."

15 That could include full mayoral appointment  
16 of the school board.

17 That could include the creation of charter  
18 schools or a charter school district so that you  
19 wouldn't get rid of the elected school board,  
20 but you would take schools away from them,  
21 similar to what they did in New Orleans under a  
22 Recovery School District.

23 Or you could recommend a reform to consist  
24 of replacing single member school board  
25 districts with at-large school districts so that

1 the whole county would vote on every school  
2 board member instead of just the people who live  
3 in a certain district.

4 So that we would not necessarily be  
5 endorsing any one solution as the best solution,  
6 but give them a range of solutions to examine.  
7 Whatever they deem best, they then present to  
8 the people. But if it's the desire of any  
9 commissioner to propose that we endorse a single  
10 solution, then we will talk about that and we'll  
11 vote on it.

12 MR. AUSTIN: May I comment on that?

13 THE CHAIRMAN: Yes.

14 MR. AUSTIN: I'm a little bit pessimistic  
15 about the idea of giving this Council a lot of  
16 wiggle room without giving them specific  
17 recommendations. Can we prioritize?

18 THE CHAIRMAN: Absolutely. We can do  
19 whatever the -- we decide to do, absolutely.  
20 I'm just trying to present a framework for  
21 moving forward.

22 MR. AUSTIN: Okay. I'd like to share with  
23 you just a little bit about this school thing.  
24 I have watched it for a long time, and I'll tell  
25 you, whatever we come up with, I don't envy the

1 people that are in a position of authority to  
2 have to solve this problem because the breakdown  
3 of the family unit in the last -- in my  
4 lifetime -- that's happened in my lifetime  
5 because during the Great Depression, the  
6 families were close together. All race of  
7 families were close together. This has been a  
8 thing that's happened probably since the early  
9 '60s.

10 And these children are going to school  
11 basically. They're not ready. They don't have  
12 the self-esteem. They don't have the  
13 (inaudible). I know I've prosecuted for -- and  
14 was in that court system for over 30 years, and  
15 we would see thousands and thousands and  
16 thousands of kids, young children come to court  
17 both as what we call delinquency and some what  
18 we call dependent children.

19 To make this point, don't read anything  
20 politically incorrect or racial into my  
21 reference to these particular groups, but you  
22 did not see, as a matter of all practicality,  
23 Jewish children down in the court system. You  
24 didn't see Arabic children down in the court  
25 system. You didn't see Oriental children down

1 in the court system. And later on, we didn't  
2 see very many Hispanic children.

3 What we saw were white children and black  
4 children. And there's nothing in the genes that  
5 caused this. What is causing it -- and you look  
6 and you see it's the breakdown of the family in  
7 those societies. The family is strong in the  
8 cultures that I mentioned. They have become  
9 weaker and weaker in the African-American  
10 community and in the white community. And  
11 families breakdown. These children don't get  
12 their love. They don't get their nurturing.  
13 They don't get the feeling of self-esteem, of  
14 being loved that they need to be healthy,  
15 emotional people to go to school in the first  
16 place. Now, how you get there, I don't know,  
17 but we've got to figure out how to get these --  
18 change that.

19 I think the schools play a part in it. I  
20 think the schools can help with anything. I'm  
21 just coming off the wall with from parenting  
22 on. You get -- you know, you get a generation  
23 of a 15-year-old mother who has children, who  
24 15 years later, they're in it with no parenting  
25 skills. And we need something, but the schools

1           need to be cognizant of its major problem in  
2           society -- one of the major problems in society,  
3           so I don't envy them in that regard.

4           And another thing is -- I had the personal  
5           thing that I had on another group that I was  
6           with, the Superintendent of Schools came and I  
7           asked him what was the number one problem he had  
8           in educating children. And he said without  
9           hesitation, "A lack of involvement of the  
10          parents," which meshes back and kind of  
11          reenforced me on my original conclusion that it  
12          was a major problem. I think we need to figure  
13          out how to address that.

14          Now, there's no way this group can do  
15          that. We can do what -- what we can do is  
16          what -- all we can do is what we are charged to  
17          do to try to make all of this work a little bit  
18          better and to move it a little bit down the  
19          road. And I think the only thing we can do is  
20          do what Ms. Miller says, is start at the top of  
21          this organization who has got the authority to  
22          make some changes. Hopefully, they get some --  
23          even some competition into that system at the  
24          same time because I think that we thrive on  
25          competition. And I think the school system has

1           been a monopoly, and we need to work that out.

2                     But I like what Ms. Miller said about  
3           starting with government, starting at the top  
4           and letting them study and recognize these  
5           problems and work on them gradually in the most  
6           efficient and effective way we can. And I would  
7           recommend strongly that we put -- prioritize,  
8           put at the top of it a restructuring of the  
9           school system -- I mean, of the school board.

10                    Somebody -- what is this saying about, "The  
11           enemy of perfection is" --

12                    THE CHAIRMAN: "Perfection is the enemy of  
13           the good."

14                    MR. AUSTIN: Yeah. And we can't be  
15           perfect. We can't get it all, but we can make  
16           some progress towards making it better.

17                    And as I've said to you before, I've  
18           watched it for -- I don't want to tell you how  
19           many years, a hundred years. And, honestly,  
20           it's not going to change. It really hasn't  
21           changed. It's been an embarrassment to this  
22           community since the first day, I know since 1959  
23           because that's when I got here. And we've had  
24           some brilliant people over there, and the system  
25           has failed. The system is broken. The system

1 needs to be changed in some way. I recommend we  
2 change -- recommend a change in whatever way we  
3 can.

4 And I thank you for letting me engage in  
5 this long-winded oratory.

6 THE CHAIRMAN: Thank you.

7 Just a follow-up on that, I was shown by a  
8 citizen a copy of the Centennial edition of the  
9 Florida Times-Union from 1964, and it was  
10 envisioning -- visioning what Jacksonville would  
11 look like in year 2000. And on one of the inner  
12 pages of that front section -- that  
13 commemorative section, there was a headline that  
14 ran across the whole page. It said, "Duval  
15 School Troubles a Century Old." This was in  
16 1964. The population of the county was about  
17 450, and the school age population -- the number  
18 of kids in the school system then was 118,000  
19 children.

20 And the article -- one of the articles  
21 said, "By the year 2000, the population of the  
22 county will have more than doubled or tripled,  
23 and we anticipate that there will be 3- to  
24 400,000 children in the school system in the  
25 year 2000."

1           Today there are 123,000 kids in our school  
2           system. There's essentially 6,000 more kids now  
3           than there were in 1964, and that's because I  
4           think our system is so broken. We have the  
5           largest percentage of private school children or  
6           nonpublicly educated children in the state.

7           Commissioner Oliveras.

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

9           I have a couple of comments. And I  
10          appreciate what Commissioner Austin was saying.  
11          I think it goes back to what I was trying to say  
12          about a committee or a study, and I agree fully  
13          with what's been said. We know the problems,  
14          but we just -- we are in short supply of  
15          concrete solutions.

16          I work at a school. I'm in a high school  
17          every day, and I see where these students come  
18          from. I see the homes they come from. Two  
19          weeks ago now, I went and retrieved one of my  
20          students who had stopped coming to school. She  
21          just stopped, and she got a surprise. I was  
22          there to bring her to school.

23          The issues are broad. It goes from  
24          homelessness to substance abuse to family  
25          violence to all kinds of street violence. There

1 are huge, huge issues that these, to use the  
2 term, cohort of students deal with, and I just  
3 think it is very critical for -- whether it's  
4 us, whether it's a JCCI, somebody -- and I know  
5 we don't have the time to do this -- but to look  
6 at fixing the problem. And I agree with  
7 Commissioner Austin. It's -- really it's a  
8 family-centered issue.

9 I had a student in the office yesterday who  
10 we had no way to find an adult, no family  
11 contact information, no mom, no dad,  
12 grandparents. The kid was in trouble, and we  
13 have no -- there's nobody we can contact. And  
14 this kid has been in trouble.

15 And so how do you -- if you're the  
16 assistant principal, how do you fix that? How  
17 do you fix it with a 10th grader who's two years  
18 behind academically? How do you fix that?

19 It's a huge issue, and I think we have to  
20 get to the root of these issues to identify what  
21 needs to be done to address it. And, again,  
22 it's just -- it's not about saying, okay. Well,  
23 achievement gap, graduation rate, these are  
24 all -- these are legitimate concerns. These are  
25 what we see, but the underlying problems that

1 create these situations, I think they're --  
2 there's -- again, I have not heard anything as  
3 to how do we fix those. You know, we have to  
4 fix the students that are moving on a monthly  
5 basis.

6 I believe I said before, I have a niece  
7 that's a schoolteacher in the system here, and  
8 she gets new students in and loses students  
9 every month of the school year, and they're  
10 moving because the rent is due and they have to  
11 go move with somebody -- live with somebody  
12 else. It's very difficult for the school system  
13 to fix that, but it has to be fixed.

14 And I want to speak to my chief concern  
15 about the appointed system. We have heard from  
16 the experts, and a frustration point for me  
17 became after we would hear from an expert, I  
18 would go back and I would do my own research, I  
19 found a common thread, that following mayoral  
20 control comes new math.

21 In New York, in Chicago under Mr. Duncan,  
22 in Houston, other places, mayoral control  
23 occurs, and then test scores skyrocket,  
24 graduation rates off the charts, but they're on  
25 local. I have the reports here. In Chicago, a

1 report, "Still Left Behind," they cite that what  
2 happened in Chicago was they started using a new  
3 test procedure. Test scores shot up off the  
4 charts. When they use the nation's report card,  
5 the national report card, structure for  
6 evaluating these same students, it was just  
7 incremental increases in achievement.

8 New York has the same problem with their  
9 discharge codes with a student who would  
10 otherwise be categorized as dropouts are now no  
11 longer dropouts. They've somehow finished, and  
12 they're gone. They're not counted as dropouts.  
13 New York has the three diploma system, and I  
14 believe it's this coming school year or this  
15 current school year is the last year they can  
16 use what Duval County equivalent is a  
17 certificate of completion. It's not a diploma.  
18 You can't enlist in the military. You really  
19 can't get a job with that document. New York's  
20 legislature is ending that practice. I believe  
21 it's this school year is the last year they can  
22 do that.

23 And reading articles from New York City,  
24 their media, they anticipate their dropout rate  
25 is going to skyrocket as a result, and so I

1           just -- I'm troubled by the notion. And then  
2           there's Houston that the state of Texas is  
3           investigating Houston's claims for their gains.  
4           They're thinking that it's just not so.

5                     And I -- it troubles me that that seems to  
6           be a commonality with the mayoral control. You  
7           know, I'm sure it's not the case everywhere, but  
8           in the places that have been pointed out to  
9           us -- Chicago, New York, Milwaukee,  
10          New Orleans -- the school districts around  
11          New Orleans currently by the State of  
12          Louisiana's own website, they don't track the  
13          dropout and graduation rates. And it's one -- I  
14          think it's Jefferson Parish is the only parish  
15          that voluntarily submits their actual dropout  
16          and graduation rates.

17                    It just concerns me that with -- there's  
18          not more accountability. There's just -- it's a  
19          different accountability, and they become  
20          focused on what -- making the results look  
21          right. And I don't -- I know I'm painting with  
22          a broad brush, and I don't mean to imply that  
23          that happens everywhere. But in the cases we've  
24          looked at -- and I have -- you know, Tulane  
25          University did a report, and they have -- their

1 conclusion is they have no idea what's going on  
2 in the charter schools right now. And more time  
3 is needed to assess what's happening there.

4 So I just -- I'm very -- I'm reluctant  
5 about this. I don't see it the way some of the  
6 commissioners may, that this is the solution.  
7 The numbers are very good, but sometimes the  
8 numbers are a little too magical for my taste.

9 THE CHAIRMAN: Commissioner Garvin.

10 MS. GARVIN: I'm a graduate of the  
11 Jacksonville school system and believe it or  
12 not, back in 1959 when I graduated, we were --  
13 our schools were not the best at that time, but  
14 we still got an education, hopefully.

15 But the problem is we have a problem, and  
16 the problem keeps going and going, and I do not  
17 believe that we will have done our job as the  
18 Charter Revision Commission if we don't go back  
19 to the City, to the County Commissioners and  
20 say, "We have a serious problem that needs to be  
21 addressed, and it needs to be addressed now."

22 I don't think we can tell them -- I don't  
23 think we have the solutions. I mean, I've  
24 listened and I've heard, and I don't know what's  
25 right. I agree, you know, figures don't lie,

1 but liars figure. I know that. But at the same  
2 time, 45 years of same old, same old is not  
3 doing it. And, you know, the issue is not --  
4 you know, I agree with the mayor. Family is a  
5 problem. Economics are a problem. You know,  
6 principals, you know, not having authority is a  
7 problem.

8 But we can't sit here and say, "Well, here  
9 are all the problems." What we've got to say  
10 is, "We need to have you" -- we need to make a  
11 recommendation that they do something about the  
12 problem, that someone start moving forward.

13 And to say "a study" -- it scares me to  
14 death to say "have another study" because it  
15 will be like every other study that we've got  
16 that sits there, and we read these studies and  
17 say, "Oh, gosh, there's some good information in  
18 these studies. Why hasn't someone done  
19 something? Why didn't we do this?"

20 So I agree with Mayor Austin in that I  
21 think we have to make a recommendation and it  
22 can be broad, but we need to prioritize it and  
23 them know. And if --

24 My livelihood depends on people moving in  
25 and out of Jacksonville, but I don't like to see

1           them move out because the school system isn't  
2           what it should be. And the biggest concern that  
3           I see and the biggest concern I hear from every  
4           person that moves here with a family is the  
5           school system. It's the schools system. They  
6           love the city of Jacksonville. They love the  
7           amenities that we have. They love everything  
8           about Jacksonville, but they don't like the  
9           schools.

10                 We have a serious problem, and we cannot  
11           afford to sit back and say, "Do another study."  
12           We need to make some tough recommendations, and  
13           if our elected school board can't make tough  
14           decisions, then we need to make a recommendation  
15           that somebody else make tough decisions. I'm  
16           ready to move forward on this and come up with  
17           something that says, "We have a serious problem,  
18           and we need to -- we need somebody to be doing  
19           something, no more talking about it. Let's see  
20           action."

21                 And that's what I'm ready for. I'm ready  
22           for action in Jacksonville. I am tired of  
23           hearing how bad our schools are, and you can  
24           throw every excuse -- the one thing that I got  
25           from the -- Ms. Jacobs, I believe it was, was

1           there was no more finger pointing. You have got  
2           to quit allowing finger pointing to go on. So  
3           we have got to do something, and we've got to  
4           make a strong recommendation, in my opinion.

5           Thank you.

6           THE CHAIRMAN: Commissioner Flowers.

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

8           Let's see how to say this. We are making  
9           history, and we're putting this school board, in  
10          my opinion, over there by themselves. Is  
11          something wrong with Jacksonville? I'm trying  
12          to infer it and talk about it.

13          But since 1964, the federal government has  
14          put in community development dollars, and our  
15          school system suffered because that circle  
16          around the inner city grew from one failing  
17          school to another, and the resources were put  
18          here to address those issues.

19          Now, we're going to put all the burden on  
20          the school board. It's the whole city that  
21          allow those councilmen to defer the intent of  
22          the federal act from 1964, Community Development  
23          Act, that caused us these problems.

24          And you see (inaudible), that's a good  
25          thing. But those people went out there and

1 lived on the Northside, and they compound the  
2 problem making it undesirable to live. We have  
3 the character -- the development issue that you  
4 may not be able to transfer it to words, but the  
5 fact is the resources were scheduled here, in my  
6 opinion, since 1964 to address this whole  
7 issue.

8 Thank you.

9 THE CHAIRMAN: Commissioner Youngblood.

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

11 I had to pull up the Supervisor of Election  
12 site just to see where we stand because if we're  
13 talking about -- even though it's in opposition  
14 to our chairman and other commissioners, if  
15 we're talking about half a million voters that  
16 we currently have, we have a great deal of  
17 apathy if we have an 8 to 12 percent voter  
18 turnout. I don't know how to control the  
19 apathy. How do you engage the public to get  
20 involved?

21 But I do want to go ahead and make the  
22 tough motion and put it on the table that we  
23 leave -- so this is my formal motion -- that we  
24 leave the position of the school board elected  
25 and not appointed by the mayor. I know this is

1 in disagreement to several other commissioners,  
2 and it may fly in the face of what you believe  
3 and feel, but it's what I feel and believe, that  
4 the people should have direct authority directly  
5 to their elected officials even within the  
6 school board. You see it as duplicity. I see  
7 it as true independence directly to the people.

8 So that is my formal motion, to leave it as  
9 an elected official, elected position, and not  
10 appointed.

11 MR. FLOWERS: I second the motion.

12 THE CHAIRMAN: I have a motion and second.

13 Before we discuss that any further, I want  
14 to finish the people in the queue.

15 Commissioner Miller.

16 MS. MILLER: Procedurally -- okay. Are you  
17 sure you want to go into my comments?

18 THE CHAIRMAN: If you want to talk to his  
19 motion, you can.

20 MS. MILLER: Well --

21 THE CHAIRMAN: I just -- but you were in  
22 the queue already before he made his motion.

23 MS. MILLER: My comments may be, by  
24 default -- are somewhat related to that, but I  
25 wanted to echo some of your points and wanted to

1 support your suggestion that we -- and  
2 Commissioner Austin as well as Commissioner  
3 Garvin's suggestion that we make several  
4 pointed, specific, prioritized recommendations  
5 based on what we have learned, based on what we  
6 understand to be best practices.

7 And, again, for me, I am -- I am deeply --  
8 I have been deeply troubled throughout this  
9 process because every time I hear from someone  
10 from Duval County, the inclination is to blame  
11 the students and to blame the families and to  
12 blame our community and to blame poverty and to  
13 blame the victim. And I agree there can be zero  
14 tolerance for that.

15 New Orleans, Louisiana has one of the  
16 highest poverty rates, and if those students can  
17 learn, as we know those students can learn -- I  
18 am tired of blaming disabled students, students  
19 who -- English speakers is a second language.  
20 Stop blaming them. They can achieve. How many  
21 resources are we going to get into those  
22 schools, and how can we empower those principals  
23 to get the resources to them and to create  
24 results?

25 As far as an elected versus an appointed

1 school district, we already know, we already  
2 know from repeated, repeated facts in the  
3 record, not dicta, not rhetoric, facts in the  
4 record that the single most important thing that  
5 we can do is change governance to empower and  
6 direct financial resources and authority --  
7 authorizing authority to the schools.

8 So you can guess how I might consider and  
9 view Commissioner Youngblood's motion. But,  
10 frankly, let's vote on it and get that out of  
11 the way because what we need to talk about -- we  
12 need to talk about is if we are going to have  
13 our own school district, what are we going to  
14 require? You're right, liars figure.

15 So why don't we -- we have the ability to  
16 say what we -- how we want to measure our  
17 students. If we have an appointed school  
18 district, guess what? They're going to be  
19 subject to the same regulations as the State of  
20 Florida. They will be measured by the FCAT.  
21 They'll be measured by No Child Left Behind, the  
22 same numbers.

23 And there is -- I don't see at this point  
24 any harm. The only harm is continuing with what  
25 we're doing. There's no harm in a ten-year

1 provision, as they have done in New York,  
2 Chicago. It will sunset. If we don't produce  
3 results after that amount of time, then go  
4 back. But I don't -- the only harm is staying  
5 where we have stayed.

6 And it would be so wonderful -- I think it  
7 would be so wonderful if the school board,  
8 itself, would step up, accept responsibility and  
9 accountability, and participate in this process  
10 instead of blaming the students and the families  
11 and the victim. I would love to see them here,  
12 and I would call them out to be here to  
13 cooperate with us in finding a solution that  
14 empowers because that would be most productive  
15 thing for our community. Short of that, then we  
16 would like to -- then I think that a fundamental  
17 structure change to governance is absolutely  
18 important.

19 I would agree with your recommendation to  
20 produce an omnibus, if you will, recommendation  
21 that is specific and that prioritizes  
22 recommendations based on the facts and the  
23 record.

24 THE CHAIRMAN: Commissioner Catlin.

25 MR. CATLIN: Commissioner Oliveras, I see

1           where you're coming from about the poverty and  
2           the dovetail on Commissioner Miller. The  
3           poverty is everywhere. You can't blame the  
4           poverty on our schools because it's -- every  
5           city has got it across the board.

6                     And, Commissioner Youngblood, I really,  
7           really like what I heard from the KIPP guys. If  
8           I was a superintendent, I would try to make KIPP  
9           countywide. I think it works. And one of the  
10          reasons it works is that -- what I've learned is  
11          when you're a principal at a KIPP school, you're  
12          interviewed like you're an attorney at Rogers  
13          Towers. You come in. It is intense. It is  
14          extremely intense. There's no shuffling around  
15          of principals. It is an extremely thorough  
16          process, and I think that's why that system  
17          works.

18                    Another reason why that system works -- I'm  
19          looking on the website right now for Duval  
20          schools. Our high schools in Duval County let  
21          out at 1:45 p.m. KIPP schools, to my  
22          knowledge -- if I'm wrong, correct me -- let out  
23          at 5:00 p.m. 1:45, you have your child going  
24          home for three hours, probably unsupervised, not  
25          learning, goofing off, not all of them, of

1 course, but that's three hours without parental  
2 control.

3 I would hope they're studying, but drastic  
4 change might be moving the hours of operation.  
5 I mean, 1:45, if my math is right, they're in  
6 school for four hours, fifteen minutes. That's  
7 not -- I mean, that's putting an hour lunch  
8 there. That's a big problem.

9 The other problem is that these teachers --  
10 we have heard, you know, blame the parents, but  
11 some of these teachers that are tenured, you  
12 can't fire them. You can try to force them out,  
13 but you can't fire them. That's a big problem.  
14 And if those tenured teachers who are,  
15 quote/unquote, making part of this broken  
16 problem are in these failing schools, there's no  
17 hope. Something needs to be done. They're --  
18 that's a union problem. I don't know how we  
19 address that one.

20 But I think if we could find some way to do  
21 some funding -- getting money to these schools  
22 to, like we were talking about, empower the  
23 principals more who could have some more power  
24 to fire these bad apples and take these hours of  
25 operation, 7:30 to 1:45 -- which is absolutely

1           stunning to have a child at home for three hours  
2           without supervision in most of the cases. We've  
3           got a big problem there.

4           I don't know if that's -- if we can solve  
5           that through appointed versus elected, but  
6           that -- there's a big part of the problem.  
7           That's why I really like the KIPP program  
8           because they're on their students. They're in  
9           there studying. I'm not sure -- and tell me  
10          maybe in your -- what you've learned, why you  
11          didn't really agree with the KIPP program. It  
12          seems like it's working across the board. I  
13          know it's new in our city, and we'll see what  
14          happens in three years, but I think across the  
15          board, it works.

16          Thank you.

17          THE CHAIRMAN: Commissioner Deal.

18          MS. DEAL: Mr. Chairman, I agree with your  
19          recommendation, and I also agree with  
20          Commissioner Austin in that we do need to  
21          provide some type of structure. And I do hope  
22          that our city leaders say with urgency that we  
23          had going forward in creating the Jacksonville  
24          Journey that we'll also create some body that  
25          will bring the groups together and really try

1 and figure this problem out for our city.

2 I don't have children yet, but I hope that  
3 at some point when we do decide to have children  
4 that I am able to send them to a public school  
5 in Duval County.

6 And I also want to say that -- kind of  
7 echoing through my fellow commissioners -- we  
8 can get bogged down and distracted with studies  
9 on, you know, how can we make homes better and  
10 so on and so forth, but that's exactly what will  
11 happen is we'll get bogged down in that because  
12 that is so very difficult to change. It is so  
13 very difficult to change adults, and what they  
14 have -- the disadvantages that they have been  
15 brought up in, and it's just a revolving problem  
16 over and over and over again.

17 But what we can do is provide a better  
18 educational structure because all cities, all  
19 urban areas deal with the same issues that we  
20 deal with. What we can do is better educate  
21 because other cities are doing it. We can  
22 better educate these children to let them know  
23 that there are opportunities for them. They can  
24 make their lives better, and they don't have to  
25 continue in that same circle of disadvantage,

1           that they can move outside of that.

2           And children do it every day. Children  
3           grow up to be adults that started out in a very  
4           awful situation and have come out of it, and so  
5           it can happen. And we just need to be able to  
6           provide them those types of opportunities, and I  
7           do believe we can do it. I just think that it's  
8           easy to get distracted.

9           I don't know what the answer is. I think  
10          it's easy to get distracted in all that, you  
11          know, because the problem is overwhelming, and  
12          it is so many more different things than just  
13          the education system. But I think we can make  
14          huge leaps towards improving our system here in  
15          Duval County to help ward off the continuing  
16          cycle of poverty, of uneducation, of all of  
17          that. I truly believe we can do that.

18          THE CHAIRMAN: Thank you.

19          Commissioners, that was all the speakers  
20          that were in the queue prior to  
21          Commissioner Youngblood's motion.

22          Commissioner Oliveras, you're in the  
23          queue.

24          MR. OLIVERAS: I will (inaudible) second  
25          round.

1 THE CHAIRMAN: Yes.

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

3 Several things. I agree with what  
4 Commissioner Miller said about generating a  
5 pointed list of specific recommendations,  
6 specific approaches that we can move forward as  
7 a body with that and present to Council. I  
8 think that's a great idea. And one of those I  
9 would think should be an expression of the lack  
10 of confidence in the current system, in the  
11 current school board, in the current school  
12 system of the Duval County school district.

13 Reading "A Quiet Revolution," our  
14 recommended reading as commissioners, one of the  
15 things that is very clear -- and it goes back  
16 all the way to the 1800s with the yellow fever  
17 epidemics in Jacksonville, every time -- well,  
18 let me back up.

19 The schools in Jacksonville have a history  
20 of poor performance, poor outcomes, mediocrity,  
21 and they reach a tipping point, a crisis, or in  
22 some cases in our history, we've passed the  
23 point of crisis, and then we run up to the start  
24 line as a community. And we have a bond  
25 issuance. We build some new schools, and then

1 we immediately fall right off. And that's our  
2 history. And your point is well-taken,  
3 Mr. Chairman, with the Centennial edition of the  
4 Times-Union.

5 We've never exceeded our own expectations  
6 in the history of this community with our public  
7 school system. So it's time to express that in  
8 a very firm way to both the school board  
9 members, individually or collectively, and to  
10 the Duval County Public Schools at large that we  
11 can't maintain the status quo, that right here,  
12 right now change has to occur that is going to  
13 solve some of these problems.

14 A couple of things, Commissioner Catlin's  
15 points on KIPP, one of the points about the  
16 school hours, just for clarification, we have  
17 three or maybe even four different starting  
18 times for our schools overlapping throughout the  
19 day. It's lack of money. We've run out of  
20 money for our buses, so our bus drivers do  
21 double duty. Most of them pick up and bring  
22 kids to school -- to two different schools in  
23 the morning, and they do the same thing in the  
24 afternoon. It's a cost savings.

25 And they have shaved 45 minutes off the

1 school day since last year, and that's -- and a  
2 solution for a lack of money, I guess it is, but  
3 for educational excellence, it's terrible. It's  
4 terrible. And nobody's happy with it. I -- the  
5 teachers at my school are very frustrated. So  
6 it's -- again, it is not a way to achieve  
7 academic excellence. I just --

8 I think that we need to -- to go back to  
9 Commissioner Miller's idea, and I know  
10 there's -- be very specific about what we think  
11 needs to be done and that it needs to be done  
12 now and that these board members -- the school  
13 board members are on notice that, you know, you  
14 should have your running shoes on because right  
15 now -- right now is when things need to be  
16 happening.

17 And I need to go ahead and do this now.  
18 I've conferred with Mr. Rohan. As a filed  
19 candidate for the school board, I needed to  
20 check with him to see if there was a potential  
21 conflict of interest in my voting for this  
22 matter, and he assured me that it was not  
23 because at this point, the outcome of that  
24 election is purely speculative. And so there  
25 is -- there's no way to know. And so he assured

1 me at this point there's no conflict of interest  
2 in my participating in a vote on this issue.

3 THE CHAIRMAN: Thank you, Commissioner  
4 Oliveras, for putting that on the record.

5 Okay. I have nobody else in the queue, so  
6 we will move to vote on Commissioner  
7 Youngblood's motion, which would be to  
8 essentially make no change, leave the current  
9 structure intact.

10 All those -- Commissioner Youngblood, that  
11 does not give you an extra vote.

12 MR. YOUNGBLOOD: I need all the help I can  
13 get.

14 THE CHAIRMAN: Do you want to introduce  
15 this young man?

16 MR. YOUNGBLOOD: Mr. Chairman, I apologize  
17 for the interruption, but I do care about  
18 education. I have two children, one that's  
19 eight months old and one that's two this week,  
20 and it's something that I don't take lightly,  
21 but I'm also not willing to give up my  
22 opportunity to vote.

23 This is Tyler Youngblood. He will be two  
24 this week.

25 THE CHAIRMAN: Congratulations.

1 MR. YOUNGBLOOD: And I asked my family to  
2 come down -- my wife, my mother-in-law, my other  
3 child Tiffany. I'm thankful to have them here  
4 with us this morning.

5 THE CHAIRMAN: Pleasure to have them.

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

7 THE CHAIRMAN: All in favor of Commissioner  
8 Youngblood's motion raise your hand.

9 MR. AUSTIN: What is this for?

10 THE CHAIRMAN: To make no change to the  
11 elected school board.

12 MR. YOUNGBLOOD: I'm sorry, Mr. Chairman,  
13 but we do need to make changes. Don't  
14 misunderstand me. This is merely the aspect of  
15 appointed versus elected that I bring the  
16 motion. Do not take this as a stamp of approval  
17 on the mediocre school system that we currently  
18 have.

19 THE CHAIRMAN: Okay. All in favor.

20 Commissioner Youngblood, Commissioner  
21 Eichner, Commissioner Flowers, Commissioner  
22 Oliveras.

23 All opposed.

24 Commissioner Miller, Commissioner  
25 Herrington, Commissioner Garvin, Commissioner

1 Deal, Commissioner Austin, Commissioner O'Brien,  
2 Commissioner Korman, Commissioner Thompson.

3 That motion fails.

4 Do you want to declare it?

5 MR. CATLETT: Mr. Chairman, since we do  
6 work for the school board from time to time, I'm  
7 not voting because I have a conflict.

8 THE CHAIRMAN: Commissioner Catlin.

9 MS. CATLIN: I'm going to recuse myself as  
10 well because of potential business down the road  
11 that we may be going after with the school  
12 board, so I'm a no vote for this one as well.

13 THE CHAIRMAN: Okay. That motion failed.

14 Does anybody want to propose an  
15 alternative?

16 Commissioner Miller.

17 MS. MILLER: Through the Chair, I think it  
18 might be helpful -- I don't have anything  
19 actually prepared, but I don't know if it would  
20 be appropriate for you to prepare it or someone  
21 to prepare it. And if you want me to do it, I  
22 can work on it, but I think we -- in our school  
23 board section, we should have findings about  
24 change, as Commissioner Oliveras mentioned, that  
25 there is a crisis -- I like the public health

1 analogy -- and then presenting alternatives and  
2 prioritizing them. And then at that -- then at  
3 least hopefully at our next meeting, we can have  
4 vigorous debate and discussion over those  
5 alternatives and the language.

6 But I don't have anything specific to  
7 propose, but I would propose that you or someone  
8 else, with the assistance of Mr. Rohan, prepare  
9 that. And I'm happy to help with that, but I  
10 don't want to presume.

11 THE CHAIRMAN: I'm happy to work with  
12 Mr. Rohan and with your input as well,  
13 consistent with the Sunshine law obligations, to  
14 prepare for our next meeting a proposal for a  
15 recommendation to Council that finds that we --  
16 essentially we have a crisis, reports our  
17 findings, recommends the need for change -- I  
18 think we all agree that the status quo is  
19 unacceptable -- and then presents a range of  
20 options for the Council to consider, consistent  
21 essentially with the options as I've laid them  
22 out earlier today.

23 Is anybody opposed to my preparing that for  
24 our next meeting?

25 Commissioner Austin.

1           MR. AUSTIN: We might be thinking the same  
2 thing, but I think we should recommend the  
3 following in the order that we want them  
4 implemented. I don't think we should say, "We  
5 hope -- recommend that you consider these  
6 things." I think we should recommend the  
7 adoption of an appointed school board. You can  
8 list other options, but appointed school board  
9 appointed by the mayor, confirmed by the Council  
10 to be selected, or you could put in that they  
11 should -- if you want to mention something about  
12 qualifications, you can.

13           I don't know how you want to do that. But  
14 I think we should specifically recommend these  
15 things, and then make it number one, number two,  
16 and number three would be my recommendation.

17           THE CHAIRMAN: I think that's an excellent  
18 recommendation. I'll build that into my  
19 proposal to the Commission, and then we can  
20 discuss it next week.

21           We do have -- Vice Chair O'Brien.

22           MS. O'BRIEN: Just real quick, in  
23 preparation of next week, in addition to  
24 addressing or reviewing your potential write-up,  
25 do we know of any other -- do we have any

1 presenters that will be there, or will this be  
2 primarily a discussion meeting?

3 THE CHAIRMAN: There are no speakers for  
4 next week.

5 MS. O'BRIEN: Do we know any other  
6 potential subjects that we will be discussing  
7 just so -- in preparation, I can look back at my  
8 notes, bring them with me, and be prepared.

9 THE CHAIRMAN: I was going to bring up the  
10 issue of the next iteration of the Charter  
11 Revision Commission. When -- you know, is ten  
12 years too long? Should it be five years? Is  
13 eight months enough time? Should it be one  
14 year? And should they have the ability to put  
15 items directly on the ballot? So I was  
16 anticipating that we would discuss that as well  
17 at our next meeting. So the next meeting would  
18 be entirely a discussion meeting.

19 Okay. We do have some public speaker cards  
20 that I would like to get to.

21 Ms. Tropa, do we have Planning Commission  
22 today?

23 THE REPORTER: No.

24 THE CHAIRMAN: Okay. We will move quickly  
25 through our public comments. I know Martha

1 Shirko has left, but she submitted a card.

2 R.L. Gundy.

3 (Audience member approaches the podium.)

4 AUDIENCE MEMBER: Good afternoon.

5 My name is R. L. Gundy, 2783 Armsdale Road.

6 Mr. Duggan, I regret that we were not able  
7 to get together where I could come and speak to  
8 this Commission because it was very important.

9 The thing that I want to bring before you  
10 quickly first is this: Please look at  
11 Section 60 of the Municipal Code as it relates  
12 to the Human Rights Commission in which they  
13 have subpoena power over the sheriff and all of  
14 the officers and everything that happened in  
15 this City that might help the Ethics Commission  
16 do what they need to do to tie together  
17 (inaudible) what you were doing. That is very  
18 important. That subpoena power exists, and that  
19 is very important to this community.

20 The other thing that I want to say to you  
21 is that I'm both retired from the military,  
22 taught in the schools, have also been a house  
23 administrator in the school system, as well as  
24 I've been passing this community now since I  
25 retired some 17 years ago now. And I've been at

1 the forefront of some of the issues that relates  
2 to the school.

3 You're on point, Mr. Oliveras. Ms. Miller,  
4 you're on point. Mr. Duggan, I agree with you.  
5 You're going to catch it, though, when you're  
6 trying to get people to not vote for that school  
7 board. I just thought I'd put that out there.  
8 Five years, I would recommend strongly that you  
9 meet again because we have so many crises in  
10 this city that need to be addressed.

11 The next thing I want to share with you, to  
12 answer your question, you must address the  
13 health disparities, and that means you've got to  
14 put money in it for the schools. You must  
15 address the mental health. Do not fund  
16 anything, do anything in the school system,  
17 anybody, any nonprofits without addressing  
18 mental health.

19 You must invest in economic empowerment in  
20 order to empower the parents. You must invest  
21 in strengthening families. That program needs  
22 to be continued in Duval County. And you must  
23 have a total accountability for teachers as well  
24 as principals because you cannot have one  
25 without the other. That's from my experience of

1           being in the school system. There were many I  
2           wish I could have just fired, but at any rate,  
3           that's the education part.

4                     The second piece is that I want to  
5           piggyback Councilman Brown.

6                     Mr. Rohan, I believe if we don't hurry up  
7           and address this thing as it relates to voting  
8           for those beaches, voting for the sheriff and  
9           the mayor that we may end up in federal court.  
10          We've got enough problems from the feds now, but  
11          that's going to be a problem that's going to  
12          come up, and they're going to start fighting it  
13          that you may not have time to address right now.

14                    I really wish you had given me time to come  
15          and talk to this commission about some of those  
16          issues. That's why I came to you a month ago  
17          now and tried to speak before you, just to bring  
18          you on point of some of the things you were  
19          talking as is seen from the other side of the  
20          community. You were dealing with parochials  
21          versus practicality.

22                    The school board, because of their  
23          parochial issues, are going to fight you hand  
24          and nail. They don't feel like you have the  
25          authority or you have the insight as to how the

1 school should be ran. So, as a result of that,  
2 they don't look at the practicality of things,  
3 where we do.

4 So the next time you meet and the next time  
5 you -- it is important that you bring more of  
6 the community in and you got to think out of the  
7 box. Most of you are, which is real good. You  
8 got to think out of the box, but you got to have  
9 someone who has a radical mind of thinking out  
10 of the box to help you put things in perspective  
11 of what -- really what's going on in our  
12 communities and how it impact what you do.

13 I don't have time. I got to go, but I  
14 really want to talk to this commission. And I  
15 know it's late now in the game -- I'm not trying  
16 to get you to change anything you've already  
17 done, but there's a different perspective that  
18 you got to hear from the other side of the  
19 neighborhood. That's the only thing I wanted to  
20 share with you.

21 Thank you for your --

22 THE CHAIRMAN: Thank you, Pastor Gundy.

23 Eunice Barnum.

24 (Audience member approaches the podium.)

25 AUDIENCE MEMBER: Good evening.

1 Eunice Barnum, 9121 Spottswood Road,  
2 Jacksonville, Florida 32208.

3 There -- as you stated, 123,000 children in  
4 Duval County schools. And for those of you who  
5 applaud the parents, great, because those  
6 parents -- that is at least 123,000-plus parents  
7 that get their children up, get them out of the  
8 bed, and get them to the schools. I have about  
9 six children of my own in school of this  
10 123,000.

11 Secondly, I received an e-mail that said  
12 out of 123,000 students there are 37 national  
13 honor merit -- national merit honor students,  
14 37. I call and I'm like, okay, how many of  
15 those are black? None. Okay. Well, what do we  
16 do for our black students? All they have,  
17 national achievers. How many of those do we  
18 have in Duval County? Three.

19 So all total, 40 children. We have  
20 mastered enough education in them to become  
21 national merit scholars. Forty out of 123,000.  
22 And you want to tell me they're doing a great  
23 job. That's what I hear. That's what I hear as  
24 a parent. "Oh, we are doing an excellent job."  
25 Okay. Well, your data shows me differently.

1           Moving on. When you talk about principals  
2 being given the right to choose their staff, no,  
3 I totally disagree as a parent. I'm already  
4 going through that. My children's principal has  
5 chosen her whole staff, who she wanted to follow  
6 her. And they are her cronies, they are her  
7 buddies, and they do what she say do, whether  
8 it's right or wrong. So you need to really  
9 think about that.

10           Accountability, it doesn't matter -- and I  
11 know my time is almost up.

12           It does not matter if they are appointed or  
13 elected. If there is nobody holding them  
14 accountable, what difference does it make?  
15 Accountability is what we like.

16           And let me say this while I have the mic:  
17 Parents -- I being a number one parent,  
18 community leader, (inaudible), cannot volunteer  
19 my children's school. I'm fighting an issue  
20 right now currently where they don't want me,  
21 but yet I know and I feel that parents need to  
22 have say-so about who's over their children.

23           These 123,000-plus parents -- because some  
24 of these homes got two parents, some got  
25 grandparents and a host of other whatever.

1           Those people have -- need to have more say about  
2           who is over -- I need to know who is over my  
3           children, and I need to have a say about who's  
4           there and what qualifications they bring to the  
5           table.

6           Thank you.

7           THE CHAIRMAN: Thank you, Ms. Barnum.

8           John Nooney, has he left?

9           AUDIENCE MEMBERS: (No response.)

10          THE CHAIRMAN: Celia Miller.

11          (Audience member approaches the podium.)

12          AUDIENCE MEMBER: Good afternoon.

13          Celia Miller, 1440 North Myrtle Avenue,  
14          32209.

15          Thank you for the opportunity to speak to  
16          the Commission. I commend all of you in your  
17          efforts and involvement and commitment to the  
18          problems we have here in Jacksonville.

19          Education is important. I was taught that  
20          children's parents are their first teachers.  
21          And I think much of the responsibility, if not  
22          all of the responsibility, belongs on the parent  
23          to prepare their child to enter a school,  
24          whether it be public or private, but we must be  
25          realistic and practical and realize that all of

1           our parents are not prepared to be responsible  
2           parents, and that's where the society has to  
3           take up the slack and the responsibility in  
4           protecting our innocent children so that they  
5           can be nurtured and taken care of.

6           I would like to suggest that you-all come  
7           up with some specific answers and solutions.  
8           We're going to need divine intervention, and I  
9           pray for each of you daily and I pray for this  
10          commission, but -- Jacksonville is a beautiful  
11          city, but I've heard many of the residents  
12          indicate that we're onto some type of a curse.  
13          This is an evil mass of population. We have  
14          evil, wicked issues, and the public has told the  
15          governing bodies this for the longest.

16          I'm an official senior citizen this summer,  
17          and I've heard it all my life. And I'm just  
18          wondering, how much time do you need to come up  
19          with a specific solution? If everybody were to  
20          be fair, be right, and try to do the right  
21          thing, everybody would have an opportunity to do  
22          what they needed to do if they could get fair  
23          wages, fair opportunities, equal access. If the  
24          villages could be restored, you could eliminate  
25          some of these social ills.

1           Why invest in paying for prisoners? The  
2           government, the society is willing to pay over  
3           \$25,000 a year to house a prisoner, but they're  
4           not willing to pay that much or more to prepare  
5           a child to become a responsible, productive  
6           citizen.

7           I commend Mr. Oliveras -- he seems to have  
8           a very good handle on the problem -- and  
9           Mr. Youngblood and Mr. Flowers. And some of you  
10          we didn't even hear from. I've attended three  
11          of these meetings and I have yet to hear two or  
12          three of you, you know, voice your opinions.  
13          And I'm hoping that you're listening to the  
14          public, those of us who have come before you to  
15          share what we think, and accept our suggestions.

16          But Jacksonville needs to look at its whole  
17          existence and do the right thing. I know I'm  
18          running out of time, but I attended the  
19          commission's sessions over ten years ago, and  
20          the Charter Revision Commission was discussing  
21          the same issues that you-all are discussing  
22          today, trying to figure out how to get staggered  
23          terms for the City Council people. Does it take  
24          a rocket science? I think if we were to go into  
25          some of the high schools, we could get some high

1 school seniors and students to figure out how to  
2 get staggered terms for this city.

3 Your school board should be -- the  
4 people -- the public should be able to continue  
5 electing their school board, but the mayor  
6 should be given some authority to have some  
7 input. And you can come up with what's been  
8 called a hybrid school board. The mayor could  
9 have representatives on the school board and the  
10 people could continue to elect their  
11 representatives. You could come up to a  
12 compromise and have a winning -- a win/win  
13 situation.

14 So just do something. And when you do it,  
15 try to do the right thing.

16 Thank you very much.

17 THE CHAIRMAN: Thank you, Ms. Miller.

18 Commissioner Catlett, did you want to speak  
19 before we adjourn?

20 MR. CATLETT: Yes, sir.

21 This is very brief.

22 When Reverend Gundy spoke, it was of the  
23 belief that we had not taken the time to study  
24 issues, I think. I don't know. We've been here  
25 for months, and because we had so many issues,

1 we went from meeting every other week to every  
2 single week.

3 I would certainly take the time and  
4 dedicate some hours to just listening to public  
5 input, to get that to you before our next  
6 meeting. If anybody wants to take it or any of  
7 the other members want to, I'm more than happy  
8 to sit down with anybody and listen, if we can  
9 schedule it. As much time as you want,  
10 including Reverend Gundy, who apparently -- I  
11 don't know -- didn't know we were meeting or  
12 something, but -- but we've been here a lot.  
13 It's not like this is a surprise commission. We  
14 have been here a lot. It's been in the paper  
15 every week, a lot.

16 But if you ladies don't feel like you've  
17 had adequate input, I'm more than happy to sit  
18 down as an individual and report back to this  
19 commission. Anybody that wants to come can.

20 I don't want anybody to feel like we were  
21 not listening. We are listening.

22 THE CHAIRMAN: Commission Flowers.

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

24 I have requested Reverend Gundy appear  
25 before this commission, and I wanted that to be

1 known to -- in writing. So if he has something  
2 to say that takes more than three minutes and --  
3 of course, if he can have part of the next  
4 meeting, that would be nice.

5 Thank you.

6 THE CHAIRMAN: I'm happy to give him twenty  
7 minutes at our next meeting. We have a lot to  
8 talk about.

9 MR. FLOWERS: It doesn't matter to me, but  
10 just --

11 THE CHAIRMAN: I'll reach out to him.

12 Commissioners, does anybody object if we  
13 have Mr. Gundy at our next meeting?

14 MS. KORMAN: I don't object, but I also  
15 want people to realize -- this process is just  
16 beginning. They still have the City Council to  
17 talk to and everything else, so -- we're just  
18 the first step. So, you know, that next process  
19 will be even more important in a way, so -- so  
20 it doesn't stop here.

21 THE CHAIRMAN: Vice Chair O'Brien.

22 MS. O'BRIEN: I would just -- personally,  
23 I -- since we only have one meeting left to  
24 discuss what our recommendations are going to be  
25 that we vote on on the 25th, I am -- I would

1 encourage people, members of this commission, to  
2 meet individually.

3 If we do have another presentation, which,  
4 quite honestly, I am not in favor of, I would  
5 suggest that we limit it to solely ten minutes  
6 and a strong ten-minute cutoff time and then  
7 move into our discussions of the ballot, meet  
8 every X years, education reform, because I'm --  
9 I'm very concerned about the time that we have  
10 left and what recommendations we're going to  
11 make to the City, but I am more than welcome to  
12 share my phone number with anybody who wishes to  
13 meet with me and to schedule time, on my time,  
14 personally, to meet with the reverend or with  
15 anybody else.

16 THE CHAIRMAN: Commissioner Flowers.

17 MR. FLOWERS: I agree with everything  
18 everyone said, but I was here when the first  
19 charter was signed, and we were promised things  
20 that we have not seen to this day. And since  
21 we're so proud of writing history -- we are  
22 trying to put things in history. These  
23 documents, these minutes will last forever.

24 So this is our purpose, not that it's  
25 important. It's -- we've said what we need to

1 say. Now, this is history. So that's what's  
2 important. And the confidence is not here  
3 because from the beginning we were hoodwinked.  
4 And it was official vote, everything was legal,  
5 but the promises that was made off the table,  
6 behind the door and amended, individuals, but  
7 never kept.

8 And so whatever we do, I'd like to see it  
9 done before this recording process, even if it's  
10 not for one minute.

11 Thank you, Mr. Chairman.

12 THE CHAIRMAN: Commissioner Catlett.

13 MR. CATLETT: I was also going to suggest  
14 that -- Mr. Flowers is right, that sometimes  
15 people need to put things in writing. Even  
16 before our next meeting, if we could get some of  
17 Reverend Gundy's comments in writing, I'd like  
18 to read them.

19 Mr. Jeff -- Mr. Clements here is an expert  
20 in getting us information, and -- I am  
21 overflooded with it, so -- but I do read it all,  
22 and I think most people on this -- and maybe  
23 everybody on this commission reads it, so  
24 that -- anybody who wants to put anything in  
25 writing and put it in the record and set it up,

1 I'd love to see it ahead of time to where I --  
2 at least I know what they're going to talk about  
3 before they talk about it, where we can be a  
4 little bit better informed.

5 THE CHAIRMAN: Commissioner Korman.

6 MS. KORMAN: And I just concur. Anybody  
7 that would like to meet with me -- I don't know  
8 how you want to do that, with e-mails or  
9 something, whatever, but, I mean, three of us or  
10 more or so -- Jeff, we trust you to give out our  
11 numbers or whatever.

12 THE CHAIRMAN: And certainly this is not --  
13 you can meet as a group. You don't have to meet  
14 individually. You just have to notice it and  
15 keep the minutes. So if four or five or six or  
16 eight or ten or twelve or all of us want to meet  
17 with Reverend Gundy sometime before next  
18 Thursday, we can do that. We just need to  
19 follow the --

20 MS. KORMAN: (Inaudible.)

21 THE CHAIRMAN: Okay. Anything else?

22 COMMISSION MEMBERS: (No response.)

23 THE CHAIRMAN: All right. Thank you all  
24 for your hard work today.

25 (The above proceedings were adjourned at



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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 16th day of February, 2010.

Diane M. Tropa