

1991

LETTER TO CRC MEMBERS AND STAFF

Let me update you on the recent activities of the Charter Revision Commission. On November 23 we reported our recommendations to the members of the Duval Delegation. A copy of the written summary report which was delivered to each of the Delegation members is enclosed for your information. Our report was appreciated, but evidently not persuasive since no action on the two main issues - size and composition of the Council and changing the elected Civil Service Board to an appointed one. Basically, the Delegation decided that the Council could handle the matter of its own size and composition and with respect to the Civil Service Board, the Delegation concluded that since there was no pending bill there was nothing the Delegation could do. I might add that the presence of 100 or so Civil Service activists led by the union members had somewhat of a chilling effect on the Delegation taking any action.

On November 26, we delivered our report to the City Council. Again the members were very attentive and appreciative of our efforts. It does not appear that any of our recommendations will be acted upon in the near future, although Harry Reagan's bill which parallels our City Council recommendation may be submitted to the Council soon.

I mention these results without any rancor or disapproval of the lack of interest in pursuing these matters shown by our elected representatives. We were late in starting our evaluation process and we were not aware of the time deadlines established by the Delegation in dealing with local bills.

However, the problem of implementing any of the Commission's recommendations is more basic than simply dealing with time constraints or missed deadlines. Many of the issues the Commission has debated and which will come before it in the future involve changing long standing governmental structures which may afford special benefits for some important members of our electorate. Whether the issue involves an area of the community which may lose an at large Councilman because of a residency requirement or a portion of the electorate who view the protection afforded by an elected Civil Service Board as a vested right, most of our recommendations which involve a change will affect potential voters or blocks of voters.

The ability to succeed in making changes of these types through the elected bodies is difficult since the forces opposing

change who have a vested interest are more organized and vocal. It would take no small amount of courage for an elected body to take one of our controversial recommendations and run with it, no matter how strongly the Commission believes such change would benefit our community. You may or may not agree with this assessment but, if you do, I think you will also conclude that this situation is simply politics and none of our elected officials should be unduly criticized if they take no action.

On December 3, several of us met with the Editorial Board of Channel 4 to discuss our report. This one and one-half hour meeting was very encouraging. The ten or so members of the Board were extremely interested in listening to the reasons for the Commission's recommendations. Of particular interest to them was the recommendation that the Council continue with 14 District Representatives with the five at large Representatives being required to live in residency districts. The Board had just taken a position that the Council should be composed of 19 District Representatives without any at large Councilpersons. I don't know if we convinced the Board to change its position, but I firmly believe a valuable communication link has been established.

As a result of our various meetings, it occurred to several of us that perhaps the only practical way of implementing any of the Commission recommendations is through a citizen initiative effort which results in the matter being placed on the ballot for the ultimate decision makers - the voters - to decide. This is probably not an activity which should be undertaken by the Commission, but several people who have been actively involved in recent citizen initiatives have expressed an interest in listening to our reports and taking action if appropriate. I would like to discuss what role, if any, the Commission should play in these endeavors at our next meeting.

The next Commission meeting will be held on Wednesday, January 15, 1992, at the Board Room of the FCCJ Downtown Campus at 5:30 p.m. In addition to a general discussion, we will also discuss the particular questions which should be examined by the various new committees which are listed on an enclosure. The membership of these committees is not meant to be exclusive. The assignments were simply based on indications of interest expressed by members in dealing with a particular subject matter. All members of the Commission are encouraged and welcomed to join any committee by simply notifying the committee Chairperson or Jordan Logue.

Here's wishing you a happy holiday season. Thanks for all of your good work during the last eight months. I am personally

looking forward to 1992 to see if collectively we can "make a difference" and help our elected representatives bring the best possible government to our fine community.

Sincerely,

J. Frank Surface
Chairman

JFS/cd

cc: The Honorable Bill Bankhead
The Honorable Warren Jones

PORT AUTHORITY

Harry deMontmollin, Chairperson
 Nancy Edwards, Vice-Chairperson
 Wilford Lyon
 Randy Ihara
 Emma Moran
 Ronny Fussell
 Eleanor Gay
 I. M. Sulzbacher
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ELECTRIC AUTHORITY

Gary Loveless, Chairperson
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BEACHES
 Bill Durden, Chairperson
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TRANSPORTATION AUTHORITY

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 John Fiore
 Gary Loveless

**MINORITY ACCESS AND SUPPORT
FOR CITYWIDE ELECTIONS**

Dr. Adam Herbert, Chairperson
 Bill Durden, Vice-Chairperson
 Gary Loveless
 Emma Moran
 Ernie Perez
 Frank Surface

PRESENTATION TO DUVAL DELEGATION

The Charter Revision Commission, established by section 17 of Jacksonville's Ordinance Code, consists of 31 members appointed by the Jacksonville City Council. Councilman Eric Smith re-established the Charter Revision Commission earlier this year during his tenure as Council President.

The Commission represent a broad cross-section of the community. The group includes women, minorities; representatives of big business, taxpayer groups and community groups, housewives, retirees, lawyers and educators. The Commission met several times as a group to learn what the pertinent issues were, then divided into committees to focus on the issues. The four Committees were:

1. Civil Service
2. City Council Structure
3. Citizen initiatives and elections
4. Central Services/Administrative organization

These subcommittees each met several times to discuss the issues and hear from the public. All together either as a full commission or one of the subcommittee, there have 29 meetings, representing thousands of man-hours.

Based on the deliberations and reports of these subcommittee, the full Charter Revision Commission makes the following recommendations.

Civil Service Issues Committee

The Civil Service Issues Committee met several times to discuss the elected Civil Service Board, and general personnel practices in the City of Jacksonville. Several recommendations were made that address not only the elected civil service board, but also the JEA, and several miscellaneous personnel provision in the Charter.

Civil Service Board

Amend the Charter to reflect a Career Service System rather than a Civil Service System. Establish a hearing board to hear and determine appeals initiated by employees who are charged with violations of the personnel provisions of the City. This hearing board until June 30, 1995 shall consist of those seven persons now elected as members of the Civil Service Board.

The hearing appeals board, composed of seven members, which shall succeed the Civil Service Board shall be nominated by a three member panel. One member of the panel shall be a representative of the unions, and one member shall be a representative of the Mayor. These two shall select a third member. Members shall be nominated by this three-member panel, subject to the following criteria:

- o Each member shall reside in a separate School Board District.
- o Not less than one member shall be selected from a list provided to the mayor by the various bargaining units in the City.
- o Members of the hearing appeals board shall be appointed for a term of four years, limited to two successive terms.

We feel that the elected Civil Service Board is an outdated system. It was established in 1937, prior to full emergence of collective bargaining and other laws that now afford the full protections that were sought by the original Civil Service Board. Our recommendations will eliminate cumbersome procedures that impede efficient management, and will result in a more economical government.

Jacksonville Electric Authority

Remove the Jacksonville Electric Authority from the City's personnel system. This can be accomplished by amending parts of section 21.07 and 21.08 of the Charter as in Attachment B. Such action would establish JEA employees as employees of the electric authority, not subject to Articles 16 and 17 of the Charter. JEA has also requested that they be allowed to establish a separate pension fund and separate insurance programs for its employees. The Commission recommends both of these actions subject to a determination by the 1937 Pension Fund Trustees that such separation would not have an unacceptably adverse impact on the pension fund, and a determination by the City's Finance Director that such separation would not adversely impact the city's insurance program. The determination relative to the Pension Fund separation should specifically address the protection of the pension rights of JEA employees who will remain in the 1937 Fund. The costs of the actuarial studies in

support of this shall be borne by the JEA.

We feel that the JEA has demonstrated an ability to efficiently manage its resources, and should be allowed to operate outside of the City's personnel system. We are comfortable with the Authority's commitments to its personnel, and protecting their rights.

Miscellaneous Personnel Recommendations

Section 17.06 of the Charter specifies certain employees as exempt from the civil service system, which would become known as the career service system if our recommendations are adopted. Several revisions, mostly of a housekeeping nature to reflect actual personnel practices that are currently in place should be made. The executive branch reorganization plan calls for selected managerial positions to be exempted from the career service system, and we recommend changes to accommodate this. As an additional housekeeping recommendation, the City's employment policy in Section 17.03 of the Charter should be amended to include age and disability among the factors upon which the City cannot discriminate regarding employment, promotion, demotion, transferral, dismissal or compensation.

Amend the Rule of One to a Rule of Five. The Rule of One prohibits management from selecting the most qualified individuals for positions, thus hampering effective management team building. The Rule of Five shall require that five candidates from the promotional list be provided to the using agency for each promotion. Whenever one of the five is selected, two additional candidates from the list will be added to the remaining four candidates for the next selection. The Rule of One is codified in the City of Jacksonville's Civil Service and Personnel Rules and Regulations as Rule 5.02(1)(b), and is not technically a part of the Charter. However, the subcommittee on civil service issues feels that this action is appropriate and necessary in order to fully implement the spirit of this committee's recommendation.

We feel that these changes to the City's personnel system would benefit the City by expanding the pool for promotional lines within the city. By expanding the Rule of One, we can facilitate affirmative action policies of the City, while enhancing the ability of the government to build effective management teams.

City Council Issues Committee

The City Council Issues Committee considered and presented recommendations on five topics - size of City Council; method of election; method of filling vacancies; concurrent versus staggered terms; and full-time versus part-time Council service. A sixth issue referred to the Committee - City Council term limitations - was briefly discussed but no action was recommended as the electorate has addressed the question recently via referendum.

After much discussion and debate on these important issues, the Charter Revision Commission makes the following recommendations to the Legislative Delegation:

Issue: Size and election method of City Council

The Commission recommends that the Council continue to be composed of nineteen members, fourteen elected from single-member districts and five elected at-large. The Commission also recommends that the Charter be amended to provide that the five at-large councilmembers qualify for election from five residency areas, but continue to be elected citywide.

A majority of the Commission felt that there was substantial value to maintaining citizen access to six councilmembers (his or her district councilperson plus the five at-large councilmembers) for purposes of effective representation. Residency area requirements were recommended as a means of broadening the geographic diversity of the at-large members, and also as a possible means of better facilitating minority electoral opportunities with regard to the at-large seats. [As a footnote, the Commission also voted to establish a subcommittee to further study the issue of minority access to City Council seats and to explore potential avenues for improvement of minority electoral opportunity.] Finally, a majority of the Commission felt that the at-large councilpersons served a useful function of broadening the perspective of the body and counteracting the possible tendency of an all-district council to become parochial and competitive to the detriment of the interests of the City as a whole.

Filling of Council vacancies

The Commission recommends that the Charter be amended to revise the method of filling Council vacancies. The Commission recommends that vacancies in district Council seats occurring less than one year before a scheduled election be filled by appointment, with the Mayor nominating a replacement who resides in the district and the Council confirming that nominee. In the event that a district seat would be vacant for more than one year before the next scheduled election, a special election should be held to fill the seat until the next general election opportunity. In the case of at-large Council seats, vacancies should not be filled until the next citywide election.

The Commission saw several advantages to the proposed replacement method. In the event of a short-term (less than one year) vacancy in a district seat, the appointment process ensures that the district quickly regains representation by a district resident without incurring the expense (to the City, the candidates, and the political parties) of an election that would then be duplicated within a year. The possible objection to nomination by the Mayor is countered by the argument that it is in the Mayor's best interest to select a nominee widely acceptable in the district and to the City Council. In the event of a long-term (more than one year) vacancy, the benefit of electoral participation in

the replacement process outweighs the cost of the special election.

That cost/benefit calculation was seen to differ for the at-large seats. In that instance the Committee felt that the high cost of contesting a city-wide election and the lack of a pressing need to restore vital district representation argued for leaving an at-large seat vacant until the next citywide election.

Concurrent versus staggered terms

The Commission recommends that concurrent terms for City Council members be continued.

While there was some sentiment for eliminating the possibility of a complete replacement of the Council at one time, the Commission felt that the likelihood of that occurrence was low and that a change to staggered terms in the midst of reapportionment and other proposed changes may be too confusing for the electorate.

Part-time versus full-time service

The Commission recommends that City Council members continue to serve on a part-time basis.

Under the Mayor/Council form of government it was felt appropriate for the Council to remain a part-time, citizen-legislator policy body.

Citizens Initiatives and Elections Recommendations

The Sub-committee studied three issues: One, how the Charter is amended; Two, alternatives to partisan elections; and Three, the pending J-Bill #7, which proposes to amend the Charter as related to the authority of the General Counsel. Comments and recommendations on the issues were heard by the sub-committee from current City Council members, the Supervisor of Elections, Jacksonville Community Council Inc., the Concerned Citizens of the Northwest Quadrant, the Duval Delegation Coordinator, Representative Betty Holzendorf, concerned citizens, and representatives of the General Counsel's Office during the course of our deliberations. The sub-committee carefully considered each presentation and the views of each sub-committee member. The following recommendations reflect the actions of the full Charter Revision Commission.

Issue: Method of Amendment of the Charter

Section 18.05 shall be amended to include the following, referencing the amendment to the charter. Allowing for when any five qualified voters initiate proceedings to amend the charter by filing with the county clerk an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed charter amendment. Promptly after the affidavit of the petitioner's committee is filed the clerk shall issue the appropriate petition blanks to the petitioners' committee. The petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment.

Currently Section 18.05 provides that any citizens' petition to amend the Charter shall be executed and validated in the same manner as provided in Section 15.01 of the Charter which deals with petitions for recall. The Sub-Committee proposes to remove this reference to Section 15.01 and substitute a detailed procedure for execution and validation of a petition seeking to place a Charter amendment on the ballot.

The inclusion of this specific language in Section 18.05 should eliminate confusion and necessity to cross reference other sections of the Charter.

Section 18.05 will also be amended to require that petitions seeking to amend the charter be submitted on standardized forms which will be provided to citizens or citizens groups by the Supervisor of Elections.

This process will eliminate the submittal of petitions that do not conform to all requirements of the law.

Section 18.05 will further be amended to require that each petition page containing signatures include a standardized circulator's affidavit that will conform to requirements of law thus eliminating problems that have occurred with past validations.

Elimination of problems in reference to understanding the requirements of the validation process.

Section 18.05 will also be amended to require that in order to have petitions validated, petitioners shall file the petition with the supervisor of elections, instead of the council secretary.

This change in procedure will decrease in the handling and transmittal of the petitions.

Issue: Alternatives to Partisan Elections

The sub-committee recommends support of City Ordinance 91-178-146, enacted and made law May 14, 1991. This ordinance creates a new Section 15.02 of the Charter, to provide for General Consolidated government elections and for Unitary Primary Elections; creating a new Section 15.03 of the Charter, relating to amendment or repeal of Section 15.02; requiring a referendum; directing the Supervisor of elections to place the referendum question on the November 10, 1992 General election Ballots.

It is the sub-committee's recommendation that because this issue has been addressed by the City Council, and an Ordinance passed, the final decision must be determined by the people of Jacksonville.

Issue: J-Bill #7, relating to the authority of the General Counsel's Office of the City of Jacksonville

The sub-committee recommends that Section 7.202 relating to the authority of the General Counsel not be amended, as proposed in J-Bill #7.

It is the sub-committee's understanding that the General Counsel in its rendering of legal opinions in no way places limitations on the general public, but acts as the legal authority for agencies of City government.

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