

**CHARTER REVISION COMMISSION OF THE
CONSOLIDATED CITY OF JACKSONVILLE
2009-2010**

FINAL REPORT

Commissioners

Wyman Duggan, Chair
Mary O'Brien, Vice-Chair
Hon. Ed Austin
Jim Catlett
William Catlin
Jessica Deal
Teresa Eichner
Robert Flowers, Sr.
Beverly Garvin
Mechelle Herrington
Ali Korman
Jeanne Miller
Gary Oliveras
Curtis Thompson
Geoff Youngblood

Staff

Jeff Clements
Chief of Research

Steve Rohan
Managing Deputy
General Counsel

Diane Tropia
Court Reporter

FEBRUARY 26, 2010



TABLE OF CONTENTS

TRANSMITTAL LETTER 0

INTRODUCTION 1

HISTORICAL CONTEXT RELEVANT TO THE COMMISSION’S WORK 3

ISSUES LIST..... 6

EDUCATION REFORM..... 7

ETHICS REFORM 12

ENHANCING MAYORAL BUDGETARY AUTHORITY 13

NEW OR REVISED PUBLIC EMPLOYEE PENSION BENEFIT FINANCIAL
IMPACT STATEMENT..... 15

TIMING OF LOCAL ELECTIONS 17

MAYORAL STRATEGIC PLAN..... 19

FUTURE CHARTER REVISION COMMISSIONS..... 21

STAGGERED TERMS FOR CITY COUNCIL..... 22

OTHER ISSUES 24

RESOURCE SPEAKERS..... 26

APPENDIX..... 30



CHARTER REVISION COMMISSION

Wyman Duggan, Chair
Mary O'Brien, Vice Chair

Suite 425, City Hall
117 W. Duval Street
Jacksonville FL 32202
904-630-1405

February 26, 2010

Commissioners

Hon. Ed Austin
Jim Catlett
William Catlin
Jessica Deal
Teresa Eichner
Robert Flowers, Sr.
Beverly Garvin
Mechelle Herrington
All Korman
Jeanne Miller
Gary Oliveras
Curtis Thompson
Geoff Youngblood

Staff

Cheryl Brown,
Director/Council
Secretary
Jeff Clements
Chief of Research
Steve Rohan
Managing Deputy
General Counsel
Janice Billy
Assistant Council
Auditor

The Honorable Richard Clark
City Council President
117 West Duval Street
Jacksonville, Florida 32202

The Honorable Audrey Gibson
Chair, Duval County Legislative Delegation
117 West Duval Street, Suite 235
Jacksonville, Florida 32202

**Re: Final Report of the 2009-2010 Charter Revision Commission
of the Consolidated City of Jacksonville**

Dear Council President Clark and Representative Gibson:

Pursuant to Chapter 17, Ordinance Code, it is my pleasure to transmit the Final Report of the 2009-2010 Charter Revision Commission to you as representatives of the City Council of the Consolidated City of Jacksonville, and of the Duval Legislative Delegation. The Commission's recommendations regarding proposed amendments to the Charter are set forth therein.

On behalf of the Commissioners, I want to thank you, former Council President Fussell, and the Council, for the special trust and confidence placed in us to undertake this work. It has been our pleasure to serve the government and citizens of the City of Jacksonville.

Very truly yours,

Wyman R. Duggan
Chair

“You can’t live behind the closed doors of your bedroom communities and say, ‘ I live here.’ Brother, you live in the community, and you’re all in it together.”¹

INTRODUCTION

The current version of the Charter Revision Commission was mandated by Ordinance 2004-584-E, which provides that the Commission “shall be appointed during the month of May, 2009, and shall thereafter be reappointed every ten years during the month of May in the year prior to the taking of the U. S. decennial census.”² The Commission is required to present its recommendations for amendment to the Charter within eight months from the date of its first meeting.³ The Commission shall make recommendations to the City Council and Duval Legislative Delegation concerning “those provisions in the Charter and other special acts of the Legislature affecting the Consolidated City of Jacksonville.”⁴ The Commission is to consider all factors “best calculated to fulfill the needs of the citizens of the Consolidated City of Jacksonville.”⁵

Pursuant to this legal requirement, the Commissioners were nominated in May, 2009 by then Council President Ronnie Fussell and confirmed by the Council.⁶ Council President Fussell held an organizational orientation session in early June, 2009, at which time he presented his charge to the Commission: “You have been charged with reviewing the existing consolidated government, and determining whether, given the changes to the world around it, the present form still provides the best process for the citizens of Jacksonville.”

The Commission worked as a “Committee of the Whole” to ensure a uniform base of knowledge and exposure to the diversity of perspectives inherent in the makeup of the Commission, to avoid parochialism, and to promote attendance and engagement. The Commission held its first meeting on June 30, 2009, taking testimony from the Executive Director of the Jacksonville Community Council, Inc. and members of the public. At following meetings, the Commission heard from major stakeholders in the Consolidated Government: the Mayor, the Duval County School Board, the Office of General Counsel, the Jacksonville Transportation Authority, the Jacksonville Aviation Authority, the Jacksonville Port Authority, the JEA, the Supervisor of Elections, and the Sheriff. The Commission received input from every Mayor of Jacksonville since 1965, either through personal contact with the Chair, testimony to the Commission, or membership thereon. In addition, the Commissioners had

¹ Richard Martin, A Quiet Revolution, 4th ed., Jacksonville, White Publishing Company, 2008, p. 93.

² Section 17.101, Ordinance Code.

³ Ibid.

⁴ Section 17.103, Ordinance Code.

⁵ Ibid.

⁶ Commissioner Martha Barrett subsequently resigned following her election to the Duval County School Board during the term of the Commission, and was replaced by Commissioner Jessica Deal.

dozens of private conversations with former and current officials, business and civic leaders, and other private citizens.⁷

Within this framework, the Commissioners self-identified issues they wished to examine in detail (the "Issues List")⁸, and those receiving the most votes were scheduled for hearing. The Commission met twenty-four times, held 68 hours of hearings totaling over 3,700 pages of transcripts, and heard from over 50 scheduled resource speakers and numerous private citizens.

The Commission's recommended amendments to the Charter follow. They are consistent with, and foster, the core mandate of Consolidation: to foster "the ability of the electorate to pinpoint responsibility."⁹

⁷ A complete list of resource speakers by meeting date is at p. 26.

⁸ See p. 7.

⁹ Local Government Study Commission, Blueprint for Improvement, 1965, page 100, quoted in Martin, page 115.

HISTORICAL CONTEXT RELEVANT TO THE COMMISSION'S WORK¹⁰

A. Roots of Consolidation: The Duval Consolidation Constitutional Amendment - 1934

Following the indictment of current and former School Board officials in the early 1930's, civic-minded reformers secured the statewide passage of a constitutional amendment to the 1885 Florida Constitution. Incorporated into the Constitution as Article VIII, Section 9, the amendment granted unprecedented home rule powers to Duval County. The amendment gave the Legislature the power to establish

a municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers[.]¹¹

This amendment "enabled consolidation to be achieved in Duval County."¹² Following its passage, local attorney C. Daughtry Towers and others prepared a draft charter that sought "to simplify the governmental machinery of City and County."¹³ Among other reforms, the draft charter proposed a school board to serve without pay,¹⁴ and that the executive have the power to appoint currently elected officials as department heads.¹⁵ "This consolidation attempt failed for a number of reasons, not the least of which was the inability of the business community to unite behind the reform. There was interest, but too much of it was polite and remote. Newspaper support was lukewarm at best."¹⁶

B. Local Government Study Commission - 1965

Just as dissatisfaction with the school system "started the consolidation movement of the

¹⁰ The material in this Section is derived from Richard Martin, *A Quiet Revolution*, 4th ed., Jacksonville, White Publishing Company, 2008, Chaps. 1-3; testimony to the Commission by Jim Rinaman, former General Counsel and Rick Mullaney, current General Counsel; and various correspondence from Mr. Rinaman.

¹¹ The text of the amendment is set forth in full in the Appendix.

¹² Martin, page 17.

¹³ *Ibid.*, page 18.

¹⁴ *Ibid.*, page 18.

¹⁵ *Ibid.*, page 19.

¹⁶ *Ibid.*, page 21.

1930's[,]"¹⁷ the reform movement of the 1960's reached a tipping point due to a crisis in public education that had been building since the turn of the century,¹⁸ and that drew the lines of battle for the coming struggle.¹⁹ There had been continuing scandals in school administration in the 1940's and 1950's. "A basic problem rested in the fact that the school system and the School Board comprised a separate governmental entity with little direct relationship to municipal or county governments."²⁰ According to the definitive history of Consolidation, the fact that the School Board was elected was one of "the worst features of the system. . . . As a result, the School system's greatest handicap was the lack of professionalism at the top and a general absence of dynamic leadership in administration."²¹ A panel of civic and business leaders reported in 1962 that of all the basic problems facing the community, "the greatest by far is to improve the level of education provided by the elementary and secondary schools administered by the Duval County Board of Public Instruction."²² The report observed that the state of the school system was damaging the area economy by discouraging new industry.²³

The Legislature responded by creating a Local Government Study Commission for Duval County in 1965. The Study Commission was tasked with studying "the structures, functions, and operations of all governmental units and bodies located within [Duval] County, including the County government, the municipal government, public bodies corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof."²⁴ The Study Commission divided into six task forces to study all aspects of local government, including schools. The Study Commission issued its "Blueprint for Improvement" in November, 1966. Its recommendations included the following: a non-salaried School Board; the restructuring of many traditionally elected offices into appointed positions; and increasing the appointment power of the Mayor.²⁵ Following hard fought legislative and referendum campaigns, the Charter was approved by the voters of Duval County in August, 1967.

It was with an understanding of this background and context for Consolidation that the Commission conducted its work. Its relevance was made clear by the fact that, 48 years after the 1962 study identified poor educational outcomes as the greatest problem facing the community,

¹⁷ Ibid., page 31.

¹⁸ Ibid.

¹⁹ Ibid., page 44.

²⁰ Ibid.

²¹ Ibid., page 32.

²² Ibid., page 34.

²³ Ibid.

²⁴ Senate Bill 1522 (1965).

²⁵ Martin, pages 65-66.

the Mayor said the same thing in his testimony to the Commission.²⁶ In addition, the passage of the 1934 amendment and the creation of the Study Commission provide clear precedents where the citizens of Duval County pursued structural governmental reform that unequivocally encompassed the public school system.

²⁶ 11/19/09 transcript, p. 51, l. 8-p. 52, l. 6.

ISSUES LIST

Vice-Chair O'Brien: core functions of government, pensions, long-term financial planning for City

Austin: Schools, pensions, Independent Authorities, appointment of constitutional officers, accountability through a strong mayor

Barrett: Ethics Office, City ombudsman

Catlett: procurement/central services, schools, JEDC, 3 terms for City Council

Catlin: Ethics Officer, Office of General Counsel, Independent Authorities, appointment of constitutional officers

Eichner: Fall elections, schools, procurement/central services, 2 yr term for Council President

Flowers: checks and balances, Office of General Counsel, popular vote on tax increases, HUD activities

Garvin: Independent Authorities, Ethics Commission, Office of General Counsel

Herrington: no response

Korman: Schools, appointment of constitutional officers, Office of General Counsel, budget process, Independent Authorities

Miller: Schools, Office of General Counsel, appointment of constitutional officers, Independent Authorities, Ethics Commission/JEDC/Children's Commission, core functions of government, pensions

Oliveras: Sheriff's IT department, schools, elected Civil Service Board, Ethics Officer

Thompson: no response

Youngblood: appointment of constitutional officers, Independent Authorities, Article 15 recall

EDUCATION REFORM

The Commission feels that there is a crisis in our public education system, and that the status quo is unacceptable. We have looked at best practices that have produced improvements in educational outcomes in other cities. The common themes that effectuate meaningful change are accountability and empowerment stemming from governance change that can take many forms.

Findings

1. Duval County's poor K-12 educational outcomes are a key community challenge, and a threat to the County's future economic competitiveness.²⁷
2. The national median income for high school dropouts is \$20,000.00 (2004 dollars).²⁸
3. High school dropouts are far more likely to be unemployed and out of the workforce.²⁹
4. Young male high school dropouts are forty-seven times more likely than a college graduate to be incarcerated; black male dropouts had the highest incarceration rate.³⁰
5. The high school graduation rate accounts for thirteen years (K-12) of investment in a child.³¹
6. Duval County spends \$1.11 billion of total investment in each yearly "vintage" (K-12) of children. (Duval County has 123,000 students, or about 9,500 children per grade. To educate the class of 2009 and each future "vintage" of students, DCPS will spend an estimated \$9,000 per year over 13 years for 9,500 children: 9,500 children * 13 years * \$9,000 = \$1.1 billion.)³²
7. The forty largest school districts in Florida serve 96% of the state's schoolchildren; in 2009, Duval County ranked sixth in size.³³

²⁷ 7/30/09 transcript, p. 115, l. 13-14; 11/19/09 transcript, p. 51, l. 6-p. 52, l. 6.

²⁸ Whitney Tilson, "The Critical Need for Genuine School Reform and How to Achieve It," 1/14/10, Slide 6. (Note: all referenced Tilson slides contain sources for the data therein.)

²⁹ Ibid., Slide 8.

³⁰ Ibid., Slide 9.

³¹ Ibid., Slide 52.

³² Ibid.

³³ Ibid., Slide 53.

8. Duval County's 2009 overall high school graduation rate ranked fortieth out of Florida's 40 largest school districts (64.5%).³⁴

9. In 2009, Duval County had \$395 million of public education investment that did not result in a high school diploma (\$1.11 billion * 64.5% = \$395 million).³⁵

10. Duval County's 2009 African American high school graduation rate ranks 39th out of Florida's 40 largest school districts (57.8%).³⁶

11. Duval County's 2009 White high school graduation rate ranks 40th out of Florida's 40 largest school districts (70.2%).³⁷

12. Duval County's 2009 Hispanic high school graduation rate ranks 39th out of Florida's 40 largest school districts (58.5%).³⁸

13. Duval County's 2009 high school graduation rate for students with a learning disability ranked 39th out of Florida's 40 largest school districts.³⁹

14. Duval County's 2009 high school graduation rate for students classified as "economically disadvantaged" ranked 40th out of Florida's 40 largest school districts (47%).⁴⁰

15. Duval County's 2009 high school graduation rate for students classified as "non-economically disadvantaged" ranked 38th out of Florida's 40 largest school districts (71%).⁴¹

16. 125 of 162 (77%) of public schools in Duval County are under monitoring by the State of Florida for failure to make "adequate yearly progress" under No Child Left Behind Act standards.⁴²

17. While the number of "A" schools in Duval County has increased by 690% since 1999,⁴³ Duval's progress has lagged the rest of Florida. The number of schools across Florida

³⁴ Ibid., Slide 54; 10/29/09 transcript, p. 30, l. 13-21.

³⁵ Ibid., Slide 55.

³⁶ Ibid., Slide 57.

³⁷ Ibid., Slide 58.

³⁸ Ibid., Slide 59.

³⁹ Ibid., Slide 62.

⁴⁰ Ibid., Slide 60.

⁴¹ Ibid., Slide 61.

⁴² 2/4/10 transcript, p. 93-95.

⁴³ 2/4/10 transcript, p. 74, l. 4-5.

with an “A” grade increased by over 900% in the same period. Dade (2200%), Hillsborough (1700%), Broward (1200%), Orange (1000%), and Palm Beach (700%) Counties all increased the number of “A” schools from 1999 to 2009 by amounts that exceeded Duval County.⁴⁴

18. While the number of “A” or “B” schools in Duval County has increased by 500% since 1999,⁴⁵ when compared to other large Florida districts, Duval’s progress lags. Dade, Broward, Hillsborough, Orange, and Palm Beach Counties each have a higher percentage of their schools rated an “A” or “B” than Duval. Further, the percentage of failing schools rated “D” or “F” in 2009 was higher in Duval than any large district in Florida.⁴⁶

19. Multiple urban school districts across the U.S., after long periods of educational stagnation, have shifted their governance model towards a system of mayoral accountability.

20. Mayoral appointment of a school board reduces institutional fragmentation that often impedes strategic improvement, provides a single office that is ultimately accountable, and integrates electoral accountability and school performance at the system wide level.⁴⁷

21. Mayoral accountability has a statistically significant, positive effect on student achievement in reading and math at both elementary and high school grades.⁴⁸

22. When social economic factors and other governance conditions are taken into full consideration, mayoral accountability shows positive student improvement in reading and math at elementary grades.⁴⁹

23. The lowest performing schools show a persistent improvement in student achievement in districts that are under mayoral control.⁵⁰

24. Mayoral accountability lowers spending on general administration, while targeting resources on instructional purposes.⁵¹

25. Systems with mayoral accountability are able to raise the bond rating, maintain labor fees, improve client satisfaction, and improve efficiency at the central office.⁵²

⁴⁴ schoolgrades.fldoe.org.

⁴⁵ 2/4/10 transcript, p. 74, l. 6-12.

⁴⁶ schoolgrades.fldoe.org.

⁴⁷ Dr. Kenneth Wong, Ph.D., “Mayoral Accountability as a Strategy to Raise Performance in Urban Districts,” February, 2010, p. 4.

⁴⁸ Ibid., p. 8.

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid., p. 10.

26. Mayorally appointed CEOs often broaden the pool of expertise in operation, finance, and management in formerly insular urban school systems.⁵³

27. Cities with a strong form of mayoral accountability show consistently stronger gains in student achievement on State assessment tests relative to other large urban school systems.⁵⁴

28. Sixty percent of the urban public school districts that received the annual Broad Prize for excellence in urban education over the last five years (2005-2009) were under some form of mayoral control.

29. An at-large representation model enhances accountability to the public and offsets the potential for parochialism inherent in a single member district representation model.⁵⁵

30. City sponsorship of charter educational opportunities can provide a conduit for utilizing City resources to address community educational performance challenges.⁵⁶

Proposed Language

The Commission recommends the following measures, in order of priority, for further action by the City Council and public referendum, if applicable:

1. Change the governance structure of the School Board so that the Board is appointed by the Mayor, subject to City Council confirmation. The Board shall serve at the pleasure of the Mayor and without salary.

2. Change the governance structure of the school board such that the Mayor appoints not less than a majority of a school board composed of both mayoral appointees and elected members. Mayoral appointees shall be subject to City Council confirmation and serve at the pleasure of the Mayor. Elected school board members shall be elected from at-large residency areas determined by the City Council or as defined by law. All school board members, whether elected or appointed, shall serve without salary.

3. Change the electoral composition of the School Board so that members are elected from at-large residency areas determined by the City Council or as defined by law rather than single member districts.

⁵² Ibid., p. 11.

⁵³ Ibid., p. 12.

⁵⁴ Tilson, Slide 87.

⁵⁵ 8/13/09 transcript, p. 144, l. 6-18.

⁵⁶ 10/29/09 transcript, p. 63, l. 1-23; p. 67, l. 10-p. 69, l. 2; p. 94, l. 10-13; p. 95, l. 2-p. 96, l. 10; p. 104, l. 7-p. 106, l. 24.

4. Establish charter schools or an appropriate charter school district under the sponsorship and governance of the City of Jacksonville.

5. That the Council and School Board pursue such remedial legislative action as will further empower school principals with more autonomy in the selection of staff, the improvement of educational instruction, and increased accountability and enhance and reward student performance at the school level.

ETHICS REFORM

As originally approved in 1967, the Charter contained an Ethics Code set forth in Article 20. This article was apparently removed from the Charter in the early 1970's to avoid potential conflicts with new State of Florida ethics provisions being implemented at that time. The City's ethics laws are currently located in the Ordinance Code. The Commission recommends that language be reinstated in the Charter providing for a code of ethics and an ethics commission, and clarifying the applicability of these provisions to the officers and employees of the City.

Proposed Language

Section 18. Declaration of Ethics Policy, ethics code, ethics commission, ethics education and application of ethics laws.

(a) Declaration of Policy The proper operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interests of the people, the community and the government; that public office not be used for personal gain, and that the public have confidence in the integrity of its government.

(b) Ethics code; ethics commission. The City of Jacksonville, acting in its capacity as a county, shall enact an ethics code with jurisdiction over the officers and employees of the consolidated government of the City of Jacksonville, its constitutional officers, and independent agencies and districts, whether elected or appointed, paid or unpaid, and to the officers and employees of the school district. The ethics code shall not duplicate, and may, as allowed by law, supplement state ethics laws. The ethics code shall provide for an ethics commission which may assist or coordinate the training and education of local officers and employees in state and local ethics; refer matters to appropriate enforcement agencies; and whose enforcement power is limited to the ethics code authorized by this section and enacted by City Council. Appropriate support shall be provided to the commission to carry out its duties and responsibilities.

(c) Ethics Education; elected official compliance. Within 90 days after taking office, every elected official within the consolidated government shall complete such ethics training as may be required by the ethics code ~~Section 602.1001, Jacksonville Ordinance Code.~~ This requirement shall apply to all elected officials within the consolidated government, including, without limitation, the Mayor, all City Council Members, all Duval County School Board Members, the Sheriff, the Supervisor of Elections, the Property Appraiser, the Tax Collector, and the Clerk of the Circuit and County Court. Additionally, all such elected officials shall be included in the definition of the term "officer" regarding any ethics code definition referring to officers as any person elected to any City office in Section 602.201(x), Jacksonville Ordinance Code, and all such elected officials shall comply with all laws applicable to officers in the city's ethics code Chapter 602, Jacksonville Ordinance Code.

ENHANCING MAYORAL BUDGETARY AUTHORITY

The Commission heard testimony regarding the perceived inability of a mayor to exercise complete control of the budget of the Sheriff and other constitutional officers, who can independently lobby the City Council for their own budgetary priorities. Given the mandate of Consolidation to focus accountability and pinpoint responsibility, and consistent with the requirement of a two-thirds vote by City Council to override the mayoral veto of non-budgetary items, the Charter should enhance a mayor's ability to have the "last word" on an appropriation that conflicts with his or her budgetary and strategic vision for the City. Therefore, the Charter should be amended to require a two-thirds vote of City Council to override a mayoral line item veto of an appropriation. The time frame within which such a veto can be exercised should be shortened to streamline the budgetary process.

Findings

1. The Mayor is the chief budget officer for the City.⁵⁷
2. The City budget is a core document for ensuring unity of effort within the consolidated government.⁵⁸
3. Requiring a two-thirds vote of City Council to override a mayoral line item veto of an appropriation enhances mayoral budgetary authority in a manner consistent with the structural vision of Consolidation.⁵⁹

Proposed Language

Article 6. The Mayor

Section 6.05. Mayor's veto power.

The mayor may veto any ordinance or resolution adopted by the council except ordinances and resolutions relating to:

- a. Consolidation of the urban services districts.
- b. Appointments to the zoning board and the building codes adjustment board.
- c. Zoning exceptions and variances.

⁵⁷ Section 6.04, Charter of the City of Jacksonville, Florida; 12/10/09 transcript, p. 120, l. 2-3.

⁵⁸ 12/10/09 transcript, p. 120, l. 25-p. 121, l. 1.

⁵⁹ 7/30/09 transcript, p. 7, l. 14; 12/10/09 transcript, p. 121, l. 2-4; p. 144, l. 12-15; 1/21/10 transcript, p. 8, l. 4-12.

- d. The auditor, the secretary of the council, or other employees of the council.
- e. Internal affairs of the council.
- f. Investigations by the council or any duly appointed committee thereof.
- g. Quasi-judicial decisions made by the council.

Any ordinance or resolution adopted by the council over which the mayor has a veto power shall be presented to the mayor for his consideration and recommendations. If ~~he~~ the mayor approves the ordinance or resolution ~~he~~ the mayor shall sign it and it shall become effective according to the terms thereof. If ~~he~~ the mayor disapproves, ~~he~~ the mayor shall return the ordinance or resolution to the council without ~~his~~ the mayor's signature, accompanied by a message indicating the reasons for ~~his~~ the mayor's disapproval and recommendations. Any resolution or ordinance so disapproved by the mayor shall become effective only if, subsequent to its return, it shall be adopted by two-thirds of all the members of the council present at any meeting, ~~except that if~~ the mayor vetoes any ~~item~~ expenditure in the consolidated budget appropriation, ~~only a majority~~ a two-thirds vote of the members of the council shall be required to adopt the same as law over the mayor's veto. Any resolution, ~~or ordinance or consolidated budget expenditure~~ shall become effective on the date provided therein unless it be disapproved by the mayor and returned to the council within three business days at or prior to the next regular meeting of the council occurring 10 days or more after the date when the ordinance or resolution was delivered to the mayor's office for consideration. The mayor may disapprove the sum of money appropriated by any one or more items, or parts of items, in any ordinance appropriating money for the use of the consolidated government or any independent agency, within three business days after the date when the ordinance or resolution was delivered to the mayor's office for consideration in any manner provided herein. The one or more items or parts of items disapproved or reduced shall be void to the extent that they have been disapproved or reduced, unless they shall be restored to the ordinance and become effective by ~~the~~ a two-thirds vote of a ~~majority~~ of the members of the council.

NEW OR REVISED
PUBLIC EMPLOYEE PENSION BENEFIT
FINANCIAL IMPACT STATEMENT

The Commission is cognizant of the public employee benefits issues facing the City. Although it appeared several times on the Issues List, the Commission was reluctant to delve too deeply into the issue of public employee benefits given the fact that the City Council and the Mayor are already engaged in pension related negotiations and analysis. However, the Commission did feel that it could meaningfully contribute to this issue by recommending a Charter amendment requiring a financial impact statement be prepared and published in connection with any new or revised public employee pension benefit.

Findings

1. The City is facing significant funding pressures, including public employee benefits, that threaten its future financial sustainability.⁶⁰

2. The State of Florida's requirement for a financial impact statement accompanying proposed legislation is a useful model to adopt in connection with any new or revised public employee benefit.⁶¹

3. A financial impact analysis of any new or revised public employee pension benefit would be a transparent performance management measurement and benchmarking system necessary to demonstrate efficiency and effectiveness in government, and build public confidence in government's stewardship of taxpayer money.⁶²

Proposed New Section 16.07

Article 16. Retirement and Pension Benefits

* * *

Section 16.07. Financial Impact Statements.

Prior to the consideration and vote of a new or revised pension plan benefit or employee contribution proposal for any of the City of Jacksonville's authorized pension plans, the Council Auditor shall, utilizing such government or private expertise as the Council Auditor deems necessary, conduct a thorough financial analysis of the proposed benefit change or addition to determine the immediate and 1, 5, 10, 20, and 30 year costs or savings associated with the

⁶⁰ Jacksonville Community Council, Inc., "Our Money, Our City: Financing Jacksonville's Future," Spring, 2009, Part I.

⁶¹ 1/21/10 transcript, p. 33, l. 3-13.; p. 40, l. 23-p. 41, l. 1; p. 62, l. 15-17.

⁶² 1/21/10 transcript, p. 43-44; p. 71, l. 10-16; Jacksonville Community Council, Inc., "Our Money, Our City: Financing Jacksonville's Future," Spring, 2009, Conclusion #4, p. 31.

proposal. The financial analysis shall be committed to a written financial impact statement that shall be distributed to the mayor, the City Council, affected collective bargaining units, and the boards of trustees of impacted pension funds no later than ten (10) business days prior to consideration of such pension proposal by the City Council. No such pension proposal shall be approved or rejected without having been considered by a City Council standing committee, unless approved as a benefit under Chapter 447, Fla. Stat.; nor shall such pension proposal be approved or rejected without a public hearing having been conducted following the submission of the financial impact statement. The requirements of this section shall be in addition to all other requirements provided by law.

TIMING OF LOCAL ELECTIONS

The Commission recommends that the local elections currently held in the spring following the gubernatorial cycle be moved to the fall gubernatorial cycle.

Findings

1. There are legitimate community concerns about the perceived lack of civic engagement and participation in the local political process.⁶³

2. The current system of holding local elections in the spring following the gubernatorial cycle results in low turnout,⁶⁴ unnecessary costs,⁶⁵ and a shorter time period for the executive and legislative branches to prepare for the local budgetary cycle.⁶⁶

3. Moving local elections from the spring to the fall will facilitate greater civic participation and engagement.⁶⁷

4. Moving local elections from the spring to the fall will allow elected officials more time to become familiar with and prepare for the local budgetary process.⁶⁸

5. Moving local elections from the spring to the fall gubernatorial cycle will generate cost savings and operational efficiencies,⁶⁹ and higher turnout.⁷⁰

Proposed Language

That the Charter and the Ordinance Code of the City of Jacksonville be amended to provide for the newly elected Mayor and Council Members, and the Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector, to take office on January 1st, after fall elections to be

⁶³ Jacksonville Community Council, Inc., "Our Money, Our City: Financing Jacksonville's Future," Spring, 2009, Part II; 12/10/09 transcript, p. 124, l. 9-10.

⁶⁴ Jacksonville Community Council, Inc., "Local Election Process," Summer, 1988, Conclusion #1, p. 14.

⁶⁵ See footnote 69.

⁶⁶ 6/30/09 transcript, p. 16, l. 1-6; 11/19/09 transcript, p. 15, l. 4-8.

⁶⁷ 10/22/09 transcript, p. 54-57; p. 79, l. 1-15; p. 84, l. 13-25; p. 87, l. 13-19; p. 89, l. 3-9; p. 110, l. 12-14; p. 113, l. 6-p. 114, l. 4; p. 125, -127; p. 128, l. 12-14; p. 138, l. 3-15; 12/10/09 transcript, p. 136, l. 14-18.

⁶⁸ 10/22/09 transcript, p. 38, l. 9-17; p. 39, l. 18-24; p. 46, l. 19-p. 47, l. 5; p. 50, l. 12-21; p. 78, l. 11-17; p. 139, l. 14-19; 11/19/09 transcript, p. 17, l. 16-19; 12/10/09 transcript, p. 135, l. 3-6.

⁶⁹ 8/13/09 transcript, p. 61, l. 10-14; 10/22/09 transcript, p. 6, l. 14; p. 58, l. 2-3; p. 64, l. 15; p. 65, l. 24-p. 66, l. 5; p. 75, l. 14-16; p. 85, l. 2-7; p. 109, l. 14-24; p. 121, l. 23-24; p. 143, l. 15-19; 12/17/09 transcript, p. 136, l. 17-24; 1/14/10 transcript, p. 22, l. 1-21.

⁷⁰ 8/13/09 transcript, p. 56, l. 11-22; 10/22/09 transcript, p. 113, l. 6-p. 114, l. 4.

conducted simultaneously with the state gubernatorial elections every four years, and that any such amendment to the Charter provide such term transition language as deemed appropriate to effect such change.

MAYORAL STRATEGIC PLAN

The Commission heard testimony regarding the importance of formalizing a procedure under which a new mayor could lay out a vision for the City and utilize the structure of the consolidated government to help implement that vision. The Commission proposes that a strategic plan be prepared by each new mayor to provide citizens and stakeholders with clear expectations and benchmarks for accountability.

Findings

1. The City lacks transparent performance management measurement and benchmarking systems necessary to demonstrate efficiency and effectiveness in government.⁷¹
2. Promoting public trust in City government requires transparent processes that measure performance and communicate progress, such as developing a long-term vision, establishing benchmarks, and improving accountability and oversight.⁷²
3. A mayorally-led strategic planning process would ensure unity of governmental effort, promote internal and external governmental accountability, provide policy and programmatic guidance to the budgetary process, and thereby foster public confidence in City government.⁷³

Proposed New Section 6.09

Article 6. The Mayor

* * *

Section 6.09. Development of a strategic plan

Within six months of assuming office, after election or re-election, the mayor shall develop and establish a four year strategic plan that will attempt to address all aspects of community importance and interest which interface with the consolidated government, including but not limited to the economic future of the city and its government; improvements in equal opportunity and inclusion; growth management; improvements in public safety and law enforcement; the City's role in education; and such other matters as are relevant at that time. The mayor is encouraged to solicit guidance from and obtain consensus with the City Council President, the School Board Chairman or Superintendent of Schools, the Sheriff, Clerk of Courts,

⁷¹ Jacksonville Community Council, Inc., "Our Money, Our City: Financing Jacksonville's Future," Spring, 2009, Conclusion #4, p. 31.

⁷² Jacksonville Community Council, Inc., "Our Money, Our City: Financing Jacksonville's Future," Spring, 2009, Part II; 12/10/09 transcript, p. 124, l. 9-13.

⁷³ 7/16/09 transcript, p. 50, l. 19-20; 12/10/09 transcript, p. 121, l. 17-p.124, l. 19; p. 139, l. 4-12; 1/21/10 transcript, p. 82, l. 14-25; p. 83, l. 5-9, 24-25; p. 92, l. 14-17; p. 96, l. 17-20; p. 98, l. 2-6; p. 112, l. 9-16; p. 113, l. 9-15; 1/28/10 transcript, p. 160, l. 5-10.

Property Appraiser, Tax Collector, and Supervisor of Elections, the managing directors of the JTA, JEA, JPA, JAA, and JHA, local corporate leaders, and such other persons as the mayor deems appropriate.

The purpose of the strategic plan shall be to provide a thoughtful public guide to the direction of the city beyond the immediate fiscal year. It is anticipated that the participation and combined focused energies from the various elected, appointed, and private officials and executives will foster the achievement of common and divergent goals that will serve to improve the city as a whole.

At a minimum, the strategic plan should include a vision statement, mission statement, financial plan and enumerated goals, and provide for annual performance reviews which account for meaningful and measurable outcomes. It should be the result of strategic analysis, provide for strategic direction, and contain an action plan.

FUTURE CHARTER REVISION COMMISSIONS

The Commission recommends that future Charter Revision Commissions meet for a term of one year.

Proposed Ordinance Code Amendatory Language

Chapter 17 Ordinance Code Amendments

The Charter Revision Commission recommends the following amendment to Chapter 17 (Charter Revision Commission), *section 17.101 Ordinance Code*:

Sec. 17.101. Charter Revision Commission created.

There is hereby created a Charter Revision Commission of the City. The commission shall be appointed during the month of May 2009, and shall thereafter be reappointed every ten years during the month of May in the year prior to the taking of the U.S. decennial census. The Commission shall, within ~~eight~~ twelve months from the date of its first meeting, present to the Council any recommendations for amendment to the Charter. After the presentation to the Council, the memberships, duties, and powers of that appointed Commission shall cease. The provisions of Chapter 50 shall apply to the Commission.

* * *

Sec. 17.103. Powers and duties.

At the outset of its term, the Commission shall conduct a workshop covering the history, organization and contents of the City's Charter and Related Laws. After the taking of testimony and such documentary evidence as the Commission finds appropriate, the Commission shall make recommendations to the Council and the member of the Legislature representing Duval County concerning those provisions in the Charter and other special acts of the Legislature affecting the Consolidated City of Jacksonville. In making its recommendations, the Commission shall consider whatever factors are relevant to the establishment of a relationship between the state and local units of government in the Consolidated City of Jacksonville and which are best calculated to fulfill the needs of the citizens of the Consolidated City of Jacksonville.

STAGGERED TERMS FOR CITY COUNCIL

The implementation of staggered terms for City Council members has been an evergreen issue since the 1988 JCCI "Local Elections Process" study. The Commission believes in the importance of experienced representation on the Council as it addresses the annual budget and major issues at the commencement of each term. To that end, it compiled data and analysis on various scenarios for implementation of staggered terms. During the Commission's tenure, however, the City Council enacted Ordinance 2009-893-E, placing a referendum on the November, 2010 ballot to determine whether local elections currently held in the spring following the gubernatorial cycle should be moved to the fall following the gubernatorial cycle. The Commission felt that this move, if approved by the voters, would potentially solve one of the problems that staggered terms was designed to address: the short time frame within which new City Council members must review and approve a budget following their election. Therefore, the Commission decided to present its data and analysis to the Council for future consideration if necessary, but not to make a formal recommendation on the implementation of staggered terms.

Findings

1. The implementation of staggered terms for City Council members is a long-standing but unrealized reform proposal.⁷⁴
2. The implementation of staggered terms for City Council members would provide stability to the City budgetary and legislative processes by ensuring a measured transfer of institutional knowledge.⁷⁵
3. Implementing staggered terms on an "off year" non-presidential, non-gubernatorial cycle (whether spring or fall) would double the current cost of City elections.⁷⁶
4. Implementing staggered terms on a fall presidential, fall gubernatorial cycle would not increase the current cost of City elections.⁷⁷
5. The Commission's data and analysis⁷⁸ regarding possible scenarios for the implementation of staggered terms should be published as a resource for the future consideration of the issue.⁷⁹

⁷⁴ Jacksonville Community Council, Inc., "Local Election Process," Summer, 1988, Recommendation #8, p. 16; 6/30/09 transcript, p. 15; 11/12/09 transcript, p. 43, l. 11-14.

⁷⁵ 11/12/09 transcript, p. 41, l. 17-19; 11/19/09 transcript, p. 32, l. 13-p. 33, l. 8; 12/17/09 transcript, p. 142, l. 20.

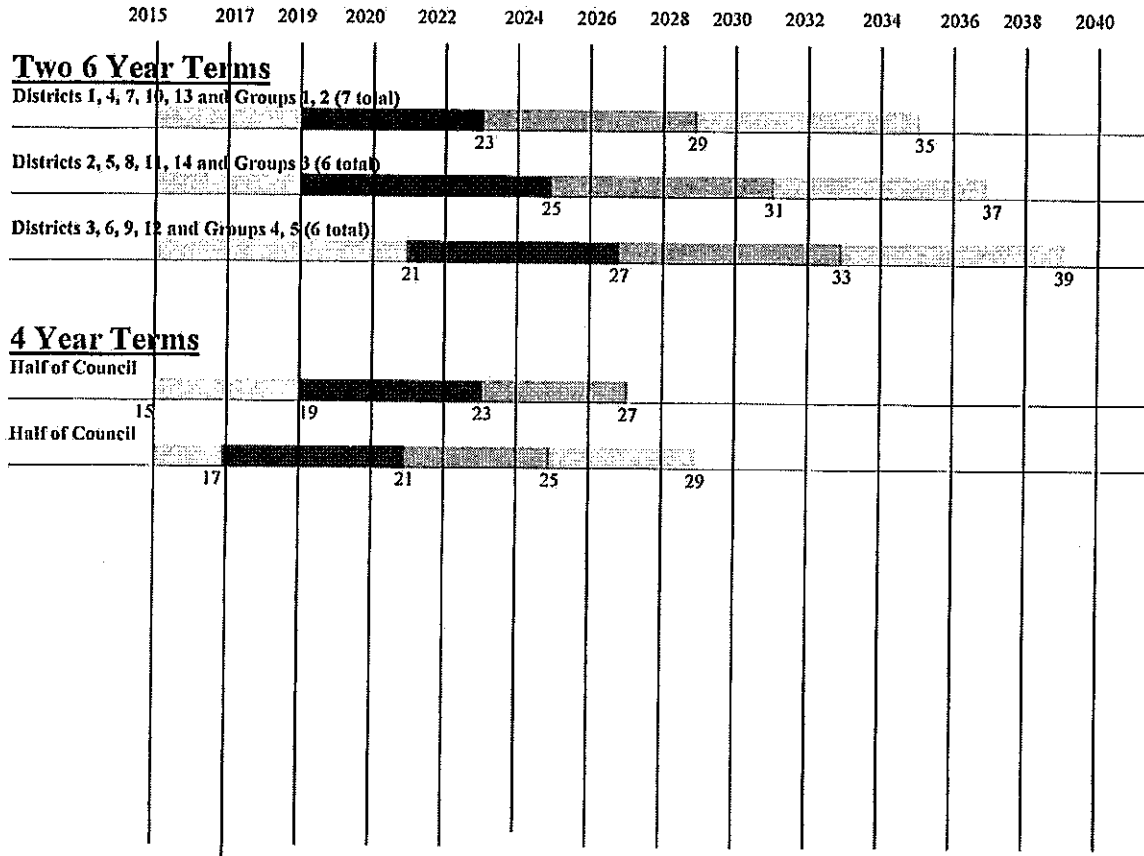
⁷⁶ 12/17/09 transcript, p. 135, l. 7-10; p. 137, l. 15-p. 138, l. 11; p. 139, l. 18-24; 1/14/10 transcript, p. 19, l. 21-p. 20, l. 5; p. 22, l. 22-p. 23, l. 23.

⁷⁷ 12/17/09 transcript, p. 136, l. 17-24; 1/14/10 transcript, p. 22, l. 1-21.

⁷⁸ See 12/17/09 transcript, p. 126-140, and attached chart.

⁷⁹ 1/14/10 transcript, p. 15, l. 14-16; p. 18, l. 6-8; 1/28/10 transcript, p. 162, l. 20-p. 163, l. 20.

Diagrammatical Options for
Staggering of City Council Elections



OTHER ISSUES

The Commission addressed the following issues but either took no action or voted to take no further action.

1. The Commission considered whether the JEA could provide additional revenue to the City over and above the amounts provided for in the current agreement between JEA and the City.⁸⁰ The Commission voted not to pursue this issue any further out of concern for the effect that additional revenue obligations to the City might have on rate payers and on JEA's bond rating.

2. The Commission considered whether the Sheriff should be appointed by the Mayor, as contemplated under the original draft Charter.⁸¹ The Commission voted to recommend no change to the Sheriff's status as an elected official, although the discussion led to the recommendation that mayoral budgetary authority be enhanced.⁸²

3. The Commission examined concerns regarding the operation of the Office of the General Counsel, but ultimately determined that the issues were not structural, and voted to take no further action.

4. Very late in the Commission's proceedings, Councilman Reggie Brown presented the following issues for consideration:

a. Should the City Charter be amended to provide that residents of the Beaches cities and Baldwin be prohibited from voting for the Mayor of Jacksonville since they already vote for the mayors of their own independent municipalities and the voters of Jacksonville do not have any ability to vote for leaders of the independent municipalities?

b. Should the City Charter be amended to reincorporate a residency requirement requiring all employees of the City of Jacksonville to be residents of the City? The city previously had such a requirement and rescinded it in the 1980s.

c. Should the City Charter be amended to require that studies of public policy issues commissioned directly by the City or studies commissioned by independent agencies with City financial support (i.e. JCCI, Greenscape of Jacksonville, JaxPride, etc.) must be formally presented to the City Council upon completion and that the City Council must take official action to consider and react to the findings of such studies, including adopting action plans and prioritizing implementation of such plans?

The Commission feels that these issues are worthy of future study.

⁸⁰ 9/24/09 transcript; 12/3/10 transcript.

⁸¹ 7/30/09 transcript; 12/10/09 transcript; Michael Hallett, Ph.D., "Jacksonville's Justice Future," October 15, 2009.

⁸² 1/14/10 transcript, p. 50-53.

5. The Commission points out the following provisions of the Charter that have been pre-empted, invalidated, or have become out-dated, as identified by the Office of General Counsel:

I. Pre-empted Charter Provisions:

Section 15.01 Recall by voters
Article 19 Employee Relations

II. Invalidated Charter Provisions:

Section 8.04 Two term limits (Sheriff)
Section 9.04 Two term limits (Supervisor of Elections)
Section 10.04 Two term limits (Property Appraiser)
Section 11.04 Two term limits (Tax Collector)
Section 12.11 Two term limits (Clerk)
Section 13.15 Two term limits (School Board)
Section 14.09 Limitation on ad valorem taxes

III. Out-dated Charter Provisions:

Section 6.08 Mayor's absence, incapacity or suspension.

RESOURCE SPEAKERS

June 30, 2009

Charles "Skip" Cramer, Executive Director, JCCI
Bobby Taylor
Dr. Benjamin Hamilton
Stanley Scott
Conrad Markle
James Minion
Justin Spiller
Dr. Henry Thomas, UNF
Willie Fred Williams
Amy Crane
Ed Iacobucci
Brian Klepper

July 16, 2009

Jim Rinaman, former General Counsel
Rick Ferrin, CEO, JaxPort
Jim Dickinson, CEO, JEA
Ernestine Moody-Robinson, Interim CEO, JAA

July 30, 2009

Sheriff John Rutherford
General Counsel Rick Mullaney
School Board Chairman Tommy Hazouri
School Board Member Brenda Priestly-Jackson
School Superintendent Ed Pratt-Dannals
Michael Blaylock, CEO, JTA

August 13, 2009

Supervisor of Elections Jerry Holland
General Counsel Rick Mullaney

August 27, 2009

Brian Klepper
John Kaegi

September 10, 2009

State Senator Steve Wise
Jim Horne, former Florida Commissioner of Education
Mike Perrone, Duval County Public Schools Budget Director
School Board Member Brenda Priestly-Jackson
School Board Chair Tommy Hazouri
School Superintendent Ed Pratt-Dannals

September 24, 2009

Gene Filbert, Chair, Ethics Commission
Carla Miller, City Ethics Officer
Braxton Gillam, Ethics Commissioner
State Representative Michael Weinstein
Jim Dickinson, CEO, JEA
Rick Ferrin, CEO, JaxPort
Steve Grossman, CEO, JAA

October 15, 2009

Dr. Michael Hallett, UNF
The Honorable Lou Ritter

October 22, 2009

Council President Richard Clarke
Council Vice President Jack Webb
Supervisor of Elections Jerry Holland

October 29, 2009

Trey Csar
Dr. Steve Wallace, President, FSCJ
Dr. Edythe Abdulla, FSCJ
Nina Waters
Cleve Warren

November 5, 2009

The Honorable William Durden
Braxton Gillam, Ethics Commissioner

November 12, 2009

Bill Scheu, former Interim Supervisor of Elections
Charles "Skip" Cramer, Executive Director, JCCI
Lad Daniels, former City Council President
Dick Kravitz, former State Representative and City Council President
Bill Brinton, former Charter Revision Commissioner

November 19, 2009

Mayor John Peyton

December 3, 2009

Jim Dickinson, CEO, JEA
Kyle Billy, Council Auditor's Office
Mickey Miller, Chief Financial Officer, City of Jacksonville

December 10, 2009

Sheriff John Rutherford
The Honorable John Delaney
Dr. Matthew Corrigan, UNF

December 17, 2009

School Superintendent Ed Pratt-Dannals
School Board Chair Brenda Priestly-Jackson
School Board Member Tommy Hazouri
Supervisor of Elections Jerry Holland
School Board Member Nancy Broner

January 7, 2010

Peter Rummel
The Honorable Jake Godbold
Sheriff Jerry Demings, Orange County, Florida

January 14, 2010

Whitney Tilson, Democrats for Educational Reform

January 21, 2010

John Keene, Executive Director, Police and Fire Pension Fund

January 28, 2010

Leslie Jacobs, Educate Now!

Phillip Claypool, Executive Director and General Counsel, Florida Commission on Ethics

February 4, 2010

Dr. Bill Eddy

Tim Ballentine, Executive Director of Instructional Research and Accountability,
Duval County Public Schools

February 11, 2010

The Honorable Reggie Brown, City Council, District 10
Curtis Lee

February 18, 2010

Pastor R. L. Gundy, Mt. Sinai Missionary Baptist Church

APPENDIX

Section 9 of Art. VIII of the Constitution of 1885, as amended.

SECTION 9. Legislative power over city of Jacksonville and Duval County.--The Legislature shall have power to establish, alter or abolish, a Municipal corporation to be known as the City of Jacksonville, extending territorially throughout the present limits of Duval County, in the place of any or all county, district, municipal and local governments, boards, bodies and officers, constitutional or statutory, legislative, executive, judicial, or administrative, and shall prescribe the jurisdiction, powers, duties and functions of such municipal corporation, its legislative, executive, judicial and administrative departments and its boards, bodies and officers; to divide the territory included in such municipality into subordinate districts, and to prescribe a just and reasonable system of taxation for such municipality and districts; and to fix the liability of such municipality and districts. Bonded and other indebtedness, existing at the time of the establishment of such municipality, shall be enforceable only against property theretofore taxable therefor. The Legislature shall, from time to time, determine what portion of said municipality is a rural area, and a homestead in such rural area shall not be limited as if in a city or town. Such municipality may exercise all the powers of a municipal corporation and shall also be recognized as one of the legal political divisions of the State with the duties and obligations of a county and shall be entitled to all the powers, rights and privileges, including representation in the State Legislature, which would accrue to it if it were a county. All property of Duval County and of the municipalities in said county shall vest in such municipal corporation when established as herein provided. The offices of Clerk of the Circuit Court and Sheriff shall not be abolished but the Legislature may prescribe the time when, and the method by which, such offices shall be filled and the compensation to be paid to such officers and may vest in them additional powers and duties. No county office shall be abolished or consolidated with another office without making provision for the performance of all State duties now or hereafter prescribed by law to be performed by such county officer. Nothing contained herein shall affect Section 20 of Article III of the Constitution of the State of Florida, except as to such provisions therein as relate to regulating the jurisdiction and duties of any class of officers, to summoning and impanelling grand and petit jurors, to assessing and collecting taxes for county purposes and to regulating the fees and compensation of county officers. No law authorizing the establishing or abolishing of such Municipal corporation pursuant to this Section, shall become operative or effective until approved by a majority of the qualified electors participating in an election held in said County, but so long as such Municipal corporation exists under this Section the Legislature may amend or extend the law authorizing the same without referendum to the qualified voters unless the Legislative act providing for such amendment or extension shall provide for such referendum.

