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CITY OF JACKSONVILLE
CHARTER REVISION COMMISSION
MEETING

Proceedings held on Thursday, October 15,
2009, commencing at 9:00 a.m., City Hall, Council
Chambers, 1st Floor, Jacksonville, Florida, before
Diane M. Tropia, 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.
- WILLIAM CATLIN, Commission Member.
- JESSICA DEAL, Commission Member.
- TERESA EICHNER, Commission Member.
- ROBERT FLOWERS, SR., Commission Member.
- BEVERLY GARVIN, Commission Member.
- ALI KORMAN, Commission Member.
- JEANNE MILLER, Commission Member.
- GARY OLIVERAS, Commission Member.
- CURTIS THOMPSON, Commission Member.
- GEOFF YOUNGBLOOD, Commission Member.

ALSO PRESENT:

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

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1 P R O C E E D I N G S
2 October 15, 2009 9:00 a.m.

3 - - -

4 THE CHAIRMAN: Good morning.

5 I have 9:01, so we'll call the meeting to
6 order, the October 15, 2009, meeting of the
7 Charter Revision Commission.

8 We have a quorum. I know Commissioner
9 Catlett is excused, Commissioner Herrington is
10 excused, and Commissioner Korman will be a
11 little late.

12 I would like to begin by asking
13 everybody -- reminding everybody to silence your
14 cell phones.

15 Why don't we go around the horn and have
16 everybody introduce themselves, starting with
17 Commissioner Oliveras.

18 MR. OLIVERAS: Gary Oliveras.

19 MR. FLOWERS: Robert Flowers.

20 MS. EICHNER: Teresa Eichner.

21 MR. AUSTIN: Ed Austin.

22 MR. CATLIN: Billy Catlin.

23 MS. GARVIN: Beverly Garvin.

24 MR. YOUNGBLOOD: Jeff Youngblood.

25 THE CHAIRMAN: Thank you.

1 And I know -- here she comes.

2 MS. MILLER: Jeanne Miller.

3 MR. THOMPSON: Curtis Thompson.

4 THE CHAIRMAN: Thank you.

5 Please join me in the Pledge of Allegiance
6 and a moment of silence.

7 (Recitation of the Pledge of Allegiance.)

8 THE CHAIRMAN: Thank you.

9 I'd like to begin just parenthetically by
10 noting that October 1st was the 41st anniversary
11 of consolidation, so our work is timely in that
12 respect. I think it passed unobserved for the
13 most part, but I thought I would call it to your
14 attention.

15 Without any further ado, our topic today is
16 constitutional officers. Our first speaker will
17 be Dr. Michael Hallett, professor and chair of
18 the Department of Criminology and Criminal
19 Justice at UNF, and -- take it away,
20 Dr. Hallett.

21 (Dr. Hallett approaches the podium.)

22 DR. HALLETT: Good morning. Thank you.

23 THE CHAIRMAN: Good morning. Welcome.

24 Dr. Hallett, before you begin, I will have
25 our court reporter swear you in.

1 DR. HALLETT: Okay.

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

4 DR. HALLETT: (Complies.)

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

9 DR. HALLETT: I do.

10 THE REPORTER: Thank you.

11 DR. HALLETT: Good morning.

12 Thank you so much for having me.

13 I've prepared a statement which will take
14 me about probably 40 minutes to get through,
15 then I'll be glad to entertain any questions, if
16 that's all right.

17 Thank you for the opportunity to speak with
18 you. Today, Duval County faces serious
19 challenges in education, violent crime, a
20 population exodus, and a growing fiscal crisis
21 left unaddressed since the 1970s.

22 This once-per-decade opportunity for
23 community feedback on the structure of
24 Jacksonville's consolidated government is always
25 momentous and, I believe, is particularly so

1 right now.

2 My interest lies primarily in the ways that
3 consolidated government impacts community
4 experience of crime of violence, but so many
5 policy issues influence the dynamics of crime
6 that are relevant to the charter that it is
7 necessary to examine the charter holistically.

8 I have a Ph.D. in justice policy from
9 Arizona State University and currently serve as
10 chairman of the Department of Criminology and
11 Criminal Justice at UNF.

12 I've helped design and evaluate programs
13 for national, state, and local justice
14 organizations, both public and nonprofit; two
15 state supreme courts; four state legislatures;
16 and many organizations, including JSO.

17 I served on the management team of the JCCI
18 homicide study and currently serve on the
19 Jacksonville Journey oversight committee.

20 In preparation for my presentation today, I
21 have reviewed all the previous testimony before
22 you. I was impressed with Rick Mullaney's two
23 presentations on the history and operational
24 logic of the charter and Jacksonville's version
25 of consolidated government.

1 I was particularly interested in his
2 articulation of the challenging need to rein in
3 the consolidated government's various entities
4 and to -- and the frequent need to enforce the
5 boundaries of consolidated government.

6 As Mr. Mullaney pointed out, it is the
7 ongoing tendency for entities of the
8 consolidated government to desire autonomy in
9 lots of different ways and to try to escape the
10 constraints of consolidation to serve their own
11 institutional interests.

12 Of course, the difficult job of enforcing
13 the boundaries of consolidated government
14 structurally falls to the General Counsel's
15 Office, except every ten years when a committee
16 of citizens is empowered to make their own
17 recommendations outside of the constraints of
18 the prevailing political winds. This is an
19 impressive and unique system and one that needs
20 to be safeguarded. I feel privileged to be
21 invited to speak with you.

22 In my view, there are three developments
23 unforeseen in 1968 that now threaten both the
24 integrity and operation of the consolidated
25 government:

1 First, the limited public understanding of
2 consolidation and its original purpose.

3 Two, the abandonment of home rule by
4 Tallahassee and our somewhat but not entirely
5 related fiscal liabilities.

6 Three, the rise of public sector employee
7 unions and their de facto control over the
8 City's budget and their influence on local
9 politics, particularly in the criminal justice
10 system.

11 Let me start with number one, the limited
12 public understanding of consolidation and its
13 purpose. I believe the fiscal crisis we
14 currently face is in part due to a loss of
15 public understanding of the original objectives
16 of consolidation. While consolidation was
17 ushered in on the mantra of good government and
18 political accountability and the aftermath of
19 the 1960s corruption scandal -- easy to do at a
20 time like that -- today consolidation has come
21 to simply mean low taxes and cheap services.
22 Insofar as consolidation has come to simply mean
23 cheap rather than a value added formula for the
24 city being successful, most of the original,
25 most important meaning of consolidation has been

1 lost.

2 You cannot succeed as a city just by being
3 cheap. You've got to be smart. In 1968,
4 consolidation was smart. And consolidation is
5 still smart, but circumstances have changed and
6 corresponding changes must be made to the
7 charter.

8 As others have pointed out, many people
9 leaving Duval County relocate to surrounding
10 counties with higher taxes and more
11 comprehensive services. In short, they leave
12 Jacksonville because of its failing civic
13 infrastructure, not high taxes.

14 Citizens don't simply want cheap
15 government. They want effective government at
16 justifiable cost. You can undermine your
17 success as a city by being too cheap, to the
18 point where we find ourselves today, with
19 spiraling debt and a shrinking population base.

20 I heard it remarked in testimony given
21 before you that many people leave Jacksonville
22 because of its challenges in public education.
23 As children fail in school, they are six times
24 more likely to end up in the criminal justice
25 system.

1 I'm not going to talk about schools today,
2 but the schools are somewhat within your purview
3 and I hope you pursue that issue, but first I
4 hope you reassert the understanding of
5 consolidated government as a formula for
6 Jacksonville's success and not just an excuse to
7 be cheap.

8 As both the mayor and the sheriff have
9 pointed out, our funding of public services lies
10 at about 18 percent less than our closest peer
11 by population size. Per capita spending on
12 resources for policing, public works,
13 recreation, and public education too lags well
14 behind the rest of the state.

15 Let's move on to number two, the
16 abandonment of home rule by Tallahassee and our
17 current fiscal liability.

18 The 2009 JCCI study on Jacksonville's
19 fiscal crisis titled *Our Money, Our City:*
20 *Financing Jacksonville's Future, A Report to the*
21 *Citizens of Jacksonville*, starts with the
22 premise that we have not had an honest
23 conversation about where we are as a city,
24 vis-a-vis our mounting pension debt, since
25 consolidation, but instead have put off dealing

1 with mounting unfunded liabilities that
2 literally now threaten the solvency of the
3 city. Their words, not mine.

4 (Ms. O'Brien enters the proceedings.)

5 DR. HALLETT: The three concluding findings
6 from the JCCI study are put forward as
7 priorities. Make hard choices now, number one;
8 number two, fund civic infrastructure
9 maintenance; number three, eliminate the
10 unfunded pension liability.

11 The single largest part of the City budget
12 by far is the Jacksonville sheriff's office.
13 The sheriff's office budget has increased
14 roughly 500 percent since 2003, but mostly due
15 to the City's failure to meet clearly defined
16 obligations to the City's public employees
17 pension fund.

18 Even though property values were rising in
19 the late 1990s and early parts of this decade,
20 the City's unfunded pension liability stretches
21 back to the 1970s.

22 In short, I agree with Mr. Keane and the
23 sheriff and the JCCI study that millage rate
24 reductions in the '90s utilizing money from
25 employee pension funds, and not just the Police

1 and Fire Pension Fund, helps put Jacksonville
2 today in a very compromised position.

3 Tallahassee changing the rules for how
4 localities maintain their tax base obviously
5 doesn't help either.

6 As the JCCI study on Jacksonville's finance
7 documents, our pension plans are in some cases
8 less than 50 percent solvent. This year, just
9 paying the debt on the City's pension liability
10 will exceed \$110 million. Just the preceding
11 year it was only \$40 million.

12 This compounding debt is a major threat to
13 the funding of city services directly related to
14 prevention and control of crime. This debt has
15 more to do with the City's failure to keep up
16 with its known obligations than it does with the
17 supposedly lavish terms of the pensions, which
18 were not markedly different to other plans
19 around the state at the time they were
20 negotiated.

21 Things are very different today, mind you,
22 and the fact that the City owes an 8.4 percent
23 return on a whole lot of money it doesn't
24 currently have is a major challenge.

25 Estimates I have seen on the current

1 unfunded liability of the City of Jacksonville
2 vary from \$1.2 billion to \$1.5 billion. It's
3 hard to see how we're going to get there, and I
4 don't believe people realize right now, frankly,
5 how tenuous our situation really is.

6 Employees' salaries, of course, comprise a
7 huge chunk of the overall City budget. Many of
8 our City's employees belong to one of three
9 retirement pension funds -- the Police and Fire
10 Pension Fund, the General Employees Pension
11 Fund, and the Correctional Officer Pension
12 Fund -- and are represented by employee unions,
13 which brings me to unanticipated development
14 number three, the rise of public sector unions.

15 In his testimony, Mr. Mullaney emphasized
16 the importance of consolidation's strong mayor
17 form of government, placing executive status and
18 veto power into that senior position.

19 With legislative and budgetary authority
20 vested in the City Council and veto power in the
21 mayor, the newly consolidated government had
22 both clear lines of authority and accountability
23 as well as checks and balances, with the General
24 Counsel's Office acting as a kind of Supreme
25 Court.

1 In his testimony to you, the sheriff noted
2 that there are some occasions when the electoral
3 independence enjoyed by the sheriff empowers him
4 to take issues beyond the purview of the mayor's
5 office directly to the City Council. In one
6 example, the sheriff cited his desire to expand
7 his control over procurement and outsource
8 vehicle maintenance beyond the existing
9 authority structure of the mayor's office.

10 In another example, he came to you to ask
11 that you recommend altering the charter to allow
12 him to hire his own independent legal counsel.
13 Mr. Mosley pointed out immediately after the
14 sheriff's presentation, in fact, that both the
15 auditor's office and the mayor's office had
16 vetted the sheriff's proposal and found that it
17 would not save money.

18 But whether a particular proposal is valid
19 or not, your job is to think about the
20 structure. The point is that the sheriff sought
21 to go around the executive authority of the
22 mayor and to assert the interest of his own
23 agency as distinct from those of the
24 consolidated government.

25 But the sheriff referenced to you only the

1 cost to his agency, whereas any valid cost
2 benefit analysis requires examination of all
3 costs, the full range of cost to all parties,
4 and this is a good demonstration of what I
5 consider to be a problem.

6 In addition to the three unforeseen
7 developments listed above -- limited public
8 understanding of consolidation, home rule and
9 our debt, and the rise of public sector
10 unions -- it is also my view that the political
11 context of 1968 consolidation -- namely, a
12 public corruption scandal involving then
13 Mayor Haydon Burns and the sheriff -- resulted
14 in a fourth concern: right from the beginning,
15 the anomalous establishment of an
16 independently-elected sheriff and a so-called
17 consolidated government with only one police
18 force in a city of Jacksonville's size.

19 What other agency head has the power to
20 independently lobby council? Either have a
21 strong mayor model or don't, but this system
22 empowers the sheriff's office like no other
23 police department in the United States, and the
24 tandem lobbying power afforded the agency
25 between the sheriff and the FOP, in my opinion,

1 adds up to the sheriff's office having the
2 equivalent power of a coequal branch of
3 government, not just an agency among agencies
4 within the City government.

5 My view is that all of this was
6 unanticipated or not thought through at the
7 beginning of consolidation and that we need to
8 reinforce the strong mayor model of government
9 outlined in the original charter.

10 Now, whoever the sheriff of Jacksonville
11 is, he's going work the system as it is
12 structured. That is his job.

13 Particularly because we so dramatically
14 underfund social services, every agency head in
15 Jacksonville has got to be an entrepreneur. In
16 Sheriff Rutherford you have a capable, energetic
17 and ultracompetent public official who
18 vigorously works within the structure he has.
19 But your job is to look at the structure, and I
20 believe the current structure is flawed in
21 reference to a strong mayor model of local
22 governance and the police department.

23 I thought Mr. Mullaney's remarks were
24 perfectly on point regarding this issue when he
25 noted how consolidated government is seen as

1 particularly constraining by constitutional
2 officers.

3 In an important moment of candor during his
4 second presentation to you, Mr. Mullaney stated,
5 "If the truth be known, most agencies of the
6 consolidated government truly don't want to be
7 part of it when it comes to them. They love
8 it. They will tell you it's great as long as
9 they can have their own lawyer, they can deal
10 with their own budget; it's a great system."

11 As long as I can have my own lawyer and
12 deal with my own budget, I really love the
13 system. And such a system, of course, is not a
14 consolidated government at all but a government
15 of independent agencies, and therein lies the
16 rub.

17 Not to put too fine a point on it, the
18 sheriff was very direct in explaining to you
19 that it was his political independence that
20 empowered him to take measures beyond the
21 mayor's office, the supposed chief executive of
22 the city. But political independence does not
23 represent consolidation, and in the original
24 draft charter the sheriff was appointed as a
25 director of public safety.

1 In the operation of Jacksonville's local
2 government, the power of the Jacksonville
3 Sheriff's Office is profound. Over the years,
4 with the tandem powers of the
5 independently-elected sheriff and a powerful
6 public employee labor union that is very active
7 in local politics, JSO has become by far the
8 City's largest budget item and has two powerful
9 sources of independent lobbying power: the
10 sheriff himself and the FOP.

11 Structurally speaking, today, the fact that
12 the FOP can simultaneously sponsor the sheriff's
13 candidate, the state attorney's candidate, the
14 public defender candidate, and several council
15 members and hold a victory party for the public
16 defender at FOP headquarters arguably gives the
17 appearance of compromising the objectivity and
18 adversariality of the local justice system.

19 I hope through these examples I've
20 demonstrated how the independence of the elected
21 sheriff can actually render the agency less
22 accountable than would otherwise be the case
23 with an appointed police chief.

24 Just do a brief history of the sheriffs'
25 offices across Alabama, Louisiana, and

1 Mississippi and you will encounter histories of
2 political efforts to rein in the power of the
3 county sheriff through a political appointment
4 process. That just happened both in Charlotte
5 and in Indianapolis, for a more contemporary
6 example.

7 In short, JSO has unprecedented power. The
8 sources of this power, an independently-elected
9 sheriff who has his own political constituency,
10 his own budget, his own employee union and wants
11 his own lawyer, was unanticipated at the
12 charter's founding.

13 Even if you keep independently -- the
14 independently-elected sheriff, my view is he or
15 she cannot continue to be allowed to
16 independently lobby council, Tallahassee, and
17 Washington, D.C.

18 As a political conservative myself, I don't
19 like the police department being a coequal
20 branch of government. It's bad policy.
21 Structurally speaking, who do you want to be in
22 control of the budget?

23 The fact that the Finance Committee
24 recently failed to cut the City's budget had
25 nothing do with the Veterans Day parade. After

1 identifying millions in cuts, the Finance
2 Committee could not dig deeper into the budget
3 because the salaries of the public sector
4 employees can only be set or adjusted through
5 collective bargaining.

6 The tandem power of the FOP, an
7 independently-elected sheriff, is thereby used
8 to grow the size of the agency with less control
9 than there would be with an appointed police
10 chief.

11 Everyone who follows council knows that JSO
12 leverages a great power over that body because
13 of the two kinds of power I'm describing, and I
14 would argue that it is undue power for a police
15 department.

16 Over the years, I've had pieces of this
17 very conversation with council members,
18 countless influential leaders of Jacksonville,
19 and ministers from the Northside, and all of
20 these disparate groups agree, going against JSO
21 is like near impossible.

22 A sheriff with the authority to
23 independently lobby is not a good way to control
24 cost. For example, the COPS Grant is a federal
25 grant recently passed which funds 50 officers

1 but only for the first three years. After that,
2 the City of Jacksonville has to absorb that
3 cost, which is what just happened.

4 Given all these factors, the central issue
5 the Charter Review Commission faces vis-a-vis
6 law enforcement today, in my opinion, is not
7 just the independent -- electoral independence
8 of the sheriff, but also the fact that JSO was
9 installed as the sole law enforcement authority
10 for the geographically largest city in the
11 United States. The tandem powers of JSO
12 mentioned above are amplified by size.

13 It has long been my view that the City of
14 Jacksonville should adopt a law enforcement
15 structure similar to that of every other large
16 city in Florida, to have an urban metropolitan
17 police department headed by an appointed police
18 chief while maintaining a sheriff's office
19 headed by an independently-elected sheriff.

20 I believe such a system improves checks and
21 balances and would, in fact, enhance efficiency
22 and accountability. I also believe it would
23 cost less because the fact of the matter is JSO
24 has become what's called a public monopoly.

25 They're the only game in town and they use their

1 power at the council level very effectively.

2 They essentially charge what they want for
3 things like overtime services, and as the Duval
4 County school board recently determined, are far
5 less cost effective than an entirely new
6 department might be and accountable in different
7 ways than an agency headed by an appointed
8 police chief and overseen by a mayor and a city
9 manager, and it is really unheard of.

10 The research shows not a single large
11 jurisdiction operating a consolidated government
12 in which the elected sheriff has both the
13 independent lobbying power and is also the chief
14 and primary law enforcement official in charge
15 of the one police department in the
16 jurisdiction.

17 It's bad practice and arguably was set up
18 in haste and directly contradicts the draft
19 charter, which, in my view, should be reexamined
20 on this point.

21 I would encourage you to take a look at the
22 work of Stephen Goldsmith, former mayor of
23 Indianapolis and current fellow at Harvard's JFK
24 School of Government, and I cite his work in my
25 testimony.

1 In the late 1980s and early '90s,
2 Indianapolis was in similar shape to that of
3 Jacksonville today, with an urban exodus in full
4 swing, falling revenue required innovations that
5 would shrink government.

6 Goldsmith's books, *The 21st Century City*
7 and *Governing by Networks: The New Shape Of The*
8 *Public Sector*, map out how he reduced as mayor
9 the Indianapolis city budget by 7 percent while
10 simultaneously making the largest infrastructure
11 investment in the city's history.

12 How did he do it? By establishing a model
13 of local governance founded on performance-based
14 competition and public/private partnerships that
15 ended all government monopoly. He totally
16 restructured the city.

17 Creating a marketplace for public services
18 where entities have to compete and innovate and
19 where all government monopolies are abolished is
20 the essential first step.

21 I would argue JSO is a government monopoly
22 and a very powerful government monopoly that has
23 priced itself out of the market.

24 Taking consolidation cities of our --
25 consolidated cities of our size, for example,

1 Charlotte, Nashville, and Indianapolis, all have
2 appointed police chiefs and metropolitan police
3 departments as their primary law enforcement
4 agency, in addition to an elected county sheriff
5 whose office runs the jail, serves papers, and
6 patrols the rural perimeter of counties. Larger
7 consolidated jurisdictions such as Phoenix also
8 have appointed police chiefs. In these cases,
9 the independently-elected sheriff still exists
10 but with a much narrower range of duties,
11 responsibilities, and smaller operational
12 budgets.

13 The appointed police chief formula so
14 common around the country and the state of
15 Florida has primarily to do with controlling the
16 cost and character of urban law enforcement
17 through the accountability and authority
18 structure of an independent city executive.

19 Urban localities such as Jacksonville also
20 have economic, racial, and other meaningful
21 political considerations to take into account
22 that are directly related to law enforcement
23 that must also be taken into consideration in
24 any jurisdiction's law enforcement strategy.

25 For example, in recent months some

1 residents of Jacksonville have expressed public
2 concern over police shootings and asked for
3 expanded oversight in the RTR, response to
4 resistance process.

5 In private meetings with the sheriff, local
6 ministers have asked for a civilian review
7 board. In conversations about that topic, the
8 less dramatic option of simply expanding the
9 format of the response to resistance process by
10 placing an external law enforcement member on
11 the board that could liaison between the
12 sheriff's and the community was also rejected by
13 the sheriff.

14 Now, would an appointed police chief be
15 more responsive to committee members' concerns
16 about such issues? I believe he would be. And
17 we're really not talking here about the
18 accountability of the sheriff, per se. We're
19 talking about the accountability of the agency
20 to community concerns.

21 Insofar as the subtext of consolidation in
22 1968 and beyond was a community conversation
23 about race relations, this should also be a
24 factor in your deliberations.

25 While the independently-elected sheriff

1 certainly leads the agency, lots of factors
2 beyond the sheriff's direct control influence
3 police/community relations.

4 The fact that JSO is a monopoly, the only
5 and largest law enforcement agency in the city,
6 also, in my opinion, prevents multiple voices,
7 particularly those of the minority community,
8 from being full participants in local justice
9 policy because they so -- because JSO so heavily
10 dominates the public discussion about crime.

11 While the sheriff will point correctly to
12 the fact that Jacksonville's per capita spending
13 on policing is lower than other cities in
14 Florida, I believe that because of the pension
15 issue -- not JSO's fault -- and the take home
16 car policy, that JSO unit costs per officer are,
17 in fact, higher than other cities in Florida.

18 For one thing, the unfunded pension
19 liability for JSO is the greatest, according to
20 JCCI -- less than 50 percent -- because it is
21 the least solvent.

22 The insolvency of this fund arguably
23 requires a renegotiation of the current
24 collective bargaining agreement, both the mayor
25 and the sheriff have said as much.

1 As an example of how this cannot continue,
2 the recently authorized 50 new officers under
3 the COPS Grant are to be grandfathered in to the
4 current collective bargaining agreement with
5 current level of benefits. How much that will
6 cost Jacksonville is unknown, in my view.
7 Probably there is no precise way to tell except
8 to say that the unfunded liability in the Police
9 and Fire Pension Fund just increased by 50
10 officers.

11 So we've got both problems, in my opinion.
12 We spend less overall for policing, but we also
13 cost more per officer.

14 The figure used by JSO is approximately
15 \$100,000 per officer through the first year and
16 off probation, with car, laptop, benefits,
17 equipment training, and salary through one
18 year. Seems to me this is probably an
19 underestimate.

20 Well, wouldn't creating a new police
21 department just add to the bureaucracy and
22 expense of government? Not necessarily. JSO
23 already has a lot of its own bureaucracy.

24 The recently completed matrix audit, which
25 I have here, which is frequently pointed to as a

1 source of justification for hundreds of more
2 officers, only actually advocated a need for 21
3 more officers in patrol. It also recommended
4 using a different formula than that currently
5 used by JSO in calculating how many officers are
6 necessary, suggesting that the current formula
7 used by JSO could inflate the number needed.

8 And using their recommendation work- --
9 their recommended workload formula, the matrix
10 recommended workload formula instead of the per
11 capita formula currently used by JSO,
12 redeploying more underutilized officers from the
13 midnight shift to afternoon shift, for example,
14 would be an expeditious thing to do.

15 Exploring data on efficiencies like these
16 are beyond the scope of this testimony, but I
17 believe they exist. I believe the evidence
18 shows they exist, but I think the far larger
19 issue is how is the City of Jacksonville going
20 to sustain the growing cost of public safety and
21 survive financially.

22 Public safety is currently 44 percent of
23 the budget. Without getting control of public
24 safety expenditures across the board, the City
25 will be bankrupt. As JCCI -- as the JCCI report

1 points out, there will be no pensions, and this
2 is not inconceivable.

3 As JCCI put it, Jacksonville must make hard
4 choices now, and you are among the only people
5 who can make those choices.

6 I would finally point to Indianapolis and
7 the work of Mayor Stephen Goldsmith along with
8 Newt Gingrich as a resource in this effort.
9 They are examples of bold conservative thinkers
10 who took radical measures and turned things
11 around.

12 Given the evidence, my view is that the
13 Charter Review Commission should recommend
14 empaneling a feasibility committee on the
15 establishment of a metropolitan police
16 department with an appointed police chief.

17 Unfortunately, I believe we have entered
18 the realm of essentially potentially having to
19 nationalize a sizable portion of JSO and turn it
20 into a metropolitan police department under the
21 authority of an appointed police chief anyway.

22 During the time of transition, the elected
23 sheriff can be appointed acting police chief.
24 How else are you going to get control of public
25 safety in Jacksonville any time in the near

1 future?

2 Short of this, I believe restrictions on
3 the ability of the elected sheriff to
4 independently lobby for budget resources should
5 be put in place to match the strong mayor model
6 of government outlined for Jacksonville by the
7 framers of consolidation.

8 Thank you very much. I'd be glad to take
9 any questions.

10 THE CHAIRMAN: Thank you, Dr. Hallett.

11 Just as a side note for the members of the
12 Commission, Dr. Hallett has committed to making
13 his presentation available to Mr. Clements, who
14 can distribute it to all of you so you will have
15 his written comments.

16 DR. HALLETT: Electronically?

17 THE CHAIRMAN: Correct.

18 DR. HALLETT: Okay.

19 THE CHAIRMAN: If that's . . .

20 DR. HALLETT: Yes. Absolutely.

21 THE CHAIRMAN: That way you can review his
22 written comments more leisurely and in more
23 detail.

24 First of all, Mr. Clements, I don't have a
25 queue on my monitor. It's just a scrolling

1 series of images.

2 Wait. Now it just came up. It's back.
3 It's gone. It was gone, but now it's back.

4 Okay. I will -- also, as members of the
5 public are already doing, if you would like to
6 speak today, to us, after our presentation,
7 please do sign in so that we have your name and
8 address for the record and we can call you at
9 the appropriate time for public comment.

10 Thank you.

11 Dr. Hallett, I have some questions to
12 begin. I see a potential for an intersection
13 here between a couple of issues that are facing
14 the City, particularly the pension issue and the
15 issues you've talked about today.

16 With the creation of a metropolitan police
17 department, would that, in your opinion, create
18 the need essentially for a new bargaining unit,
19 collective bargaining unit and a new contract
20 between the City and those new officers or those
21 officers who become employed by the metropolitan
22 police department as opposed to the JSO, which
23 would allow taking another -- reexamining the
24 new pension obligations for those employees
25 going forward?

1 DR. HALLETT: Yes, I agree.

2 In fact, if you look at Indianapolis, they
3 just did this. Charlotte did it a few years
4 ago, and many of the same issues were very much
5 in play.

6 Now, that said, no two jurisdictions are
7 the same. I mean, every jurisdiction has its
8 own history, its own culture, its own sets of
9 politics, and so there really is no place like
10 any other place --

11 (Ms. Korman enters the proceedings.)

12 DR. HALLETT: -- but there are patterns and
13 issues -- budgetary issues, political control
14 issues, checks and balances issues that do carry
15 over from place to place.

16 But to answer your question, yeah, it would
17 require a new contract.

18 THE CHAIRMAN: I recall that in his
19 presentation to us previously, the sheriff
20 talked about Las Vegas.

21 DR. HALLETT: Right.

22 THE CHAIRMAN: And I can't remember exactly
23 the context in which he cited it, but I seem to
24 recall that he thought somehow the structure in
25 Las Vegas --

1 DR. HALLETT: Right.

2 Well, I think the sheriff, in his
3 testimony, said that he thought there were five
4 jurisdictions like ours in the country. There
5 aren't, that I can find. There's only one, and
6 that's Las Vegas.

7 Now, Vegas is very different from
8 Jacksonville for a lot of different reasons.
9 Number one, Clark County, Nevada is 8,000 square
10 miles, okay, and the bulk of the Las Vegas
11 Metropolitan Police Department -- which is
12 headed by an independently-elected sheriff --
13 reports, though, still to a city manager and is
14 funded by three separate entities: the City of
15 Las Vegas, Clark County, and they
16 recently passed -- which I think was a good
17 idea; we should consider it -- a more cop sales
18 tax, which is directly funded to law
19 enforcement.

20 So the funding stream issue for the
21 Las Vegas Metropolitan Police Department is
22 different than the one political body that we
23 have funding JSO.

24 And it's also very different because in
25 Las Vegas, the Las Vegas Metropolitan Police

1 Department -- and I just talked to their public
2 information officer and I cite some details in
3 here -- they share jurisdiction in Clark County
4 with 15 other law enforcement agencies. So
5 they're not -- even though they're the largest,
6 they're not a monopoly in law enforcement in the
7 jurisdiction.

8 THE CHAIRMAN: And tell me, if you would,
9 give me some background on the matrix audit.
10 I've heard that term used by the sheriff in his
11 presentations to council in the past. It sounds
12 to me that -- what you have said today is that
13 the audit does not support some of the
14 conclusions that the sheriff has said that it
15 does.

16 Am I misunderstanding your comments in that
17 respect?

18 DR. HALLETT: Well, I think that's
19 generally true. And, in fact, it says so in
20 black and white, but that -- the matrix audit,
21 first of all, is 349 pages. It uses a lot of
22 cloudy terms like "proactivity ratio" and things
23 like that.

24 The matrix audit recommends a 40 percent
25 proactivity ratio for the county and does

1 recommend 21 new officers in patrol, but -- if I
2 can, I'll just read it to you.

3 "As indicated in the previous section, the
4 Jacksonville sheriff's office" -- this is on
5 page 21 of the audit, which I downloaded from
6 the sheriff's office website -- "utilizes an
7 analytical model to deploy patrol personnel. A
8 potential problem with this approach is that the
9 availability of patrol at any given moment is
10 tied to operational decisions about how
11 personnel are utilized.

12 "For example, some patrol zones may utilize
13 patrol more often for special assignments,
14 traffic assignments, or spend more time in
15 vehicle maintenance or at the firing range than
16 others. This could inflate the number needed in
17 these areas.

18 "An alternative approach" -- which then
19 they outline in detail -- "recommended by the
20 project team would focus only on
21 community-generated workloads."

22 So the short answer is that the matrix
23 audit recommends a workload formula for deciding
24 how many officers are necessary rather than a
25 per capita formula, which is the one that the

1 sheriff references now.

2 I don't know this, but I suspect that in
3 the sheriff's recommendations for -- I think he
4 wanted 200 officers. He was arguing that we
5 needed a 50 percent threshold of proactivity
6 rather than 40 percent. In other words, we need
7 more officers than recommended here by the
8 matrix audit because officers are going from
9 call to call and he wanted more officers to have
10 more time doing community policing and that kind
11 of thing.

12 But the point is that the matrix audit -- I
13 don't know why this never came up -- actually
14 recommends a different strategy than the per
15 capita formula outlined typically, at least that
16 I've heard the sheriff reference in his need for
17 more officers.

18 THE CHAIRMAN: And they recommended 21
19 officers?

20 DR. HALLETT: They did. At several places,
21 but -- and I cite -- I give you page citations
22 in my testimony.

23 THE CHAIRMAN: All right. Finally, explain
24 to me your conclusion that we have the highest
25 per unit cost even though we spend the least

1 amount per capita.

2 DR. HALLETT: I believe that's true.

3 Again, because of the pension issue -- at
4 least for me, I'm not qualified to figure out
5 what the cost is because -- I mean, the lifetime
6 cost. But the sheriff's office uses a figure of
7 \$100,000 per officer.

8 Now, I've been trying to get concrete data
9 from other cities around the state, but I
10 haven't been able to get it because everybody
11 uses a different formula in how they calculate
12 the cost. So it's kind of comparing apples and
13 oranges, but I think that's among the first
14 things that we should get to the bottom of:
15 what is the unit cost per officer for JSO versus
16 comparable jurisdictions.

17 The other issue -- the other thing that I
18 know is going on in Jacksonville is that the
19 Duval County School Board is -- if they haven't
20 already adopted it, they're strongly considering
21 starting their own police department, a school
22 police department, and I do know that their
23 initial calculations indicate an annual savings,
24 once they get implemented, of between one and a
25 half and two and a half million dollars a year.

1 That has partly to do with the seniority
2 level of officers in JSO and benefits and other
3 things.

4 THE CHAIRMAN: Okay. Thank you.
5 Commissioner Miller.

6 MS. MILLER: Thank you.

7 Through the Chair, thank you Dr. Hallett.
8 We appreciate your coming here. You've
9 certainly had some -- a lot of experience with
10 this and I appreciate your insight.

11 I've got a question about your proposal.
12 You suggested that there be a metropolitan
13 police department with an appointed director of
14 public safety or appointed police chief, if you
15 will, but you also explained that that would
16 coexist with an elected sheriff --

17 DR. HALLETT: Correct.

18 MS. MILLER: -- is that right?

19 Would you mind explaining that structure a
20 little bit more so I would understand how they
21 would relate?

22 And I also had a question -- I don't know
23 if you know the answer to this, and possibly
24 general counsel would know. The beaches, are
25 the beaches' police units part of JSO or are

1 they separate?

2 MR. CATLIN: (Shakes head.)

3 MS. MILLER: They're not. And so they're
4 not part of the bargaining unit either.

5 Okay. I had those questions in particular,
6 but I would like to better understand the
7 relationship between this appointed police chief
8 in the metropolitan police department, their
9 roles and responsibilities vis-a-vis an elected
10 sheriff and what resources that office might
11 have.

12 DR. HALLETT: Yes, ma'am.

13 Well, as the country grew and cities
14 started to expand and the population centers of
15 cities became larger and larger -- if you look
16 at rural jurisdictions, it's not uncommon to
17 have just a county sheriff. It's extremely
18 uncommon -- in fact, unprecedented, really -- to
19 have only one county sheriff in charge of a
20 large urban environment, and so almost
21 everywhere you look in the United States where
22 there's a population center above 300,000, you
23 will have a split of responsibilities between an
24 urban metropolitan police department and a
25 county sheriff.

1 In Phoenix, for example, which is where I
2 went to school, at Arizona State -- I did a lot
3 of work with the prosecutor's office there. The
4 Maricopa County Sheriff's Office does a lot of
5 patrol in Maricopa County because it's a very
6 large county, but they patrol -- they do have
7 law enforcement responsibilities, but in the
8 perimeter, and the reason for that is cost and
9 also the character of urban law enforcement.

10 But the short answer to your question is,
11 if you look in 99.9 percent of every urban
12 jurisdiction in the United States vis-a-vis the
13 city/county structure, that's what you will
14 have. You will have an appointed police chief
15 with a metropolitan police department and an
16 elected county sheriff who has a range of duties
17 that do not primarily include patrol of the
18 urban center.

19 If that answers your question.

20 MS. MILLER: Follow-up?

21 THE CHAIRMAN: Yes.

22 MS. MILLER: Through the Chair -- thank you
23 for that explanation.

24 I guess my question and maybe where I'm
25 having a hard time is -- the city and county of

1 Jacksonville are consolidated, so Duval
2 County -- and there are few exceptions with
3 Baldwin -- you know, the township of Baldwin and
4 the beaches, which apparently have their own
5 police force.

6 So I'm wondering -- you're right,
7 99 percent of the United States has a
8 city/county separation, but we are the exception
9 and not the rule because of our consolidation.
10 So I'm just wondering how that would -- how that
11 might translate. Have you given any thought to
12 how that might translate in a consolidated
13 government?

14 DR. HALLETT: Well, two points. Firstly,
15 as I mentioned, the consolidated governments of
16 our size now also have an appointed police chief
17 for their metropolitan police department.

18 The other thing that I would say is that an
19 independently-elected sheriff in a consolidated
20 government is a contradiction. If you're going
21 to have a strong mayor model and a consolidated
22 government, then you're going to have a
23 consolidated government, and the mayor is going
24 to be the chief executive and that's going to be
25 the structure.

1 MS. MILLER: Thank you.

2 THE CHAIRMAN: Commissioner Oliveras.

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

4 Good morning, Professor Hallett.

5 DR. HALLETT: Good morning, Gary.

6 MR. OLIVERAS: To my fellow commissioners,
7 I have the privilege of addressing one of my
8 former professors. Dr. Hallett and I
9 experienced a class called Extreme Punishment
10 together, and it was.

11 DR. HALLETT: That was the title. My
12 specialty.

13 MR. OLIVERAS: It was actually a great
14 class to be a part of.

15 I have a couple of questions, Dr. Hallett.
16 The first one is talking about -- this may be a
17 little bit of a speech followed by a question
18 with regard to the pension issues and the issues
19 of hiring, retaining officers.

20 If we go through a phase of restructuring
21 pay and benefits, pension benefits as a result
22 of where we are fiscally right now -- you, in
23 fact, train and teach the next generation of
24 officers. People that graduate from your
25 program at UNF go into law enforcement.

1 One of the benefits I've seen that we are
2 able to make use of with the Jacksonville
3 Sheriff's Office is we are very competitive
4 throughout the state, pay and benefits, and I've
5 seen other agencies that are not competitive.

6 A lot of the State agencies, their salary
7 is much lower. They have a much higher turnover
8 rate. Would you foresee something like that,
9 were we to restructure pay, contract pension,
10 benefits -- because I see specific benefits
11 from -- whether it's this sheriff or our
12 previous sheriff, Sheriff Glover, being able to
13 hire somebody and keep that individual on the
14 force 20, 25, 30 years.

15 And I have another question after that.

16 DR. HALLETT: Okay. Well, I think -- you
17 know, as I said, I'm -- I mean, a I'm fan of
18 good benefits for police officers. I think
19 that, unfortunately, the situation that the City
20 finds itself is one in which it's questionable
21 whether we're going to be able to afford that
22 threshold of benefits forevermore into the
23 future, and so I believe --

24 I mean, I'm certain, because people have
25 said it, that there's a -- I guess a

1 renegotiation of the contract in the works, but
2 I -- so for me, my concern is not, as I've said,
3 that the benefits of JSO officers are somehow
4 lavish or something. They're really not.
5 They're comparable to the benefits, as the
6 sheriff points out, of other officers around the
7 state.

8 I think, though, as the mayor himself
9 pointed out, there are like three or four things
10 in the works that are killing us right now:
11 home rule issue, the downturn in the economy,
12 the unfunded pension liability. And some of
13 it's just demographic, lots of people are
14 retiring just because of the baby boom. Okay?

15 So that combination of factors has really
16 put Jacksonville in a very compromised financial
17 position. So -- and that's the issue vis-a-vis
18 how are we going to fund public safety into the
19 future given what has been a 500 percent
20 increase in JSO's budget since 2003. As
21 Mr. Keane will point out, that's a little bit of
22 a shell game because there was a holiday taken
23 from paying into the pension.

24 Nevertheless, that's still a heck of a lot
25 of money that we're having to circulate, and --

1 I mean, no one more than me would advocate for
2 good benefits for police officers.

3 MR. OLIVERAS: Actually, this kind of
4 segues into the other question.

5 You commented on the population exodus.
6 Could you expound on that a little bit as it
7 relates to our tax base leaving the city,
8 leaving the county, and corresponding rises in
9 crime in your experience?

10 DR. HALLETT: Well, I think the sheriff has
11 done the best job of articulating what's going
12 on here, and that is that -- if you look at the
13 Blueprint for Prosperity, I think it is, about
14 40 percent of the people leaving Duval County
15 leave to live in the surrounding counties.

16 If you look at an economic profile of that
17 40 percent of people who leave Duval to the
18 surrounding counties, they tend to be high wage
19 earners, highly educated, pay higher taxes
20 already.

21 So that 40 percent has a disproportionate
22 impact on their contribution to the tax base of
23 the consolidated government because they pay
24 more per individual.

25 So if you have the higher wage earners

1 leaving the county in high numbers to counties
2 with -- that already pay -- that already have
3 higher taxes, that goes to my point, number one,
4 that consolidation was never about just being a
5 cheap government. It was a strategy for success
6 for the city.

7 And I think that part of the definition in
8 the public conversation of consolidation has
9 been lost and drowned out by a fixation on just
10 having low taxes.

11 Having low taxes means having fewer
12 services and is driving high wage earners out of
13 the county, which compromises our ability to pay
14 for things like public safety.

15 THE CHAIRMAN: I have no other speakers in
16 the queue. I do have a follow-up question.

17 Mayor Austin.

18 DR. HALLETT: Yes.

19 MR. AUSTIN: All right. Thank you,
20 Doctor. I found that to be a fascinating
21 presentation.

22 In our country, "tradition" may be the
23 right word, I don't know, but there seems to --
24 we have a strong, I guess, "doctrine" would be
25 better -- of separation of military and

1 paramilitary organizations are always under
2 civilian authority in our country. It starts
3 with the Army, and then you go into the federal
4 level with all of the police agencies, you come
5 to the states, and all the state agencies, the
6 National Guard and all those.

7 Would you consider -- any police department
8 of the nature that we have would be a
9 paramilitary organization, wouldn't it? Is it a
10 paramilitary -- is that what -- is that
11 accurate?

12 DR. HALLETT: No, I don't think so.

13 MR. AUSTIN: No?

14 DR. HALLETT: I wouldn't characterize
15 police departments as paramilitary. I mean,
16 they're under civilian control, they're sworn,
17 they serve at the pleasure of the citizens.
18 They're sworn officers, but they're empowered
19 through a legal authority that is authorized by
20 the public. So a paramilitary situation is a
21 lot different than that.

22 I think, though, that you're -- if I'm
23 understanding the direction of your question --
24 Mr. Mullaney made a very good point in regard to
25 where I think you're coming from, and that is

1 that, you know, a Madisonian governance
2 structure requires separation of powers.

3 And the struggle that Mr. Mullaney was
4 depicting for you in his role as General Counsel
5 is the struggle to have separation of powers
6 when you have consolidation of them, in a
7 consolidated government.

8 I mean, the tradition in American
9 governance is separation of powers, not
10 consolidation of powers. Okay? Don't
11 misunderstand me, I'm for consolidation. I
12 think it was a smart thing to do and it's still
13 a smart thing to do, but the -- the underlying
14 conflicts that we have over the years, as
15 Mr. Mullaney I think pointed out, is that people
16 are constantly straining under the rubric of
17 consolidation trying to be separate.

18 And so there are different accountability
19 structures for each model, but what we have, as
20 I said, I believe is a contradiction in the
21 logic of consolidation vis-a-vis the sheriff's
22 office at least.

23 MR. AUSTIN: Thank you.

24 THE CHAIRMAN: Commissioner Youngblood.

25 MR. YOUNGBLOOD: Dr. Hallett, thanks for

1 coming. I appreciate it.

2 Through the Chair, recently, I believe it's
3 in Columbia, South Carolina, a mayor made a
4 decision on police chasing, foot chase versus
5 any type of pursuit. And that executive level
6 decision in an appointed position of sheriff,
7 where she was essentially telling the sheriff
8 this is the way it needs to be because that was
9 the appointment that was there -- she made a bad
10 decision, but ultimately that executive decision
11 overflowed into that position of appointment of
12 chief, and then she had to retract her statement
13 weeks later when she found out it was an
14 incorrect decision.

15 How would this affect -- if we had that
16 true appointment here verses elected?

17 DR. HALLETT: Well, you know, just because
18 you would have an appointed police chief, it
19 seems to me, doesn't mean that you would
20 necessarily always trump the police chief.

21 What I'm saying, first of all, is that
22 the -- the tandem powers that JSO enjoys right
23 now, through its large public sector union and
24 the independence of the sheriff, gives it a kind
25 of power in the budget process and in other ways

1 that is inappropriate for a police department to
2 have.

3 Now, in a -- in cases where -- I think the
4 sheriff used an example of New Orleans where
5 there was -- Katrina is coming and there was a
6 conflict between the -- let me get this right --
7 the elected mayor, the appointed sheriff and the
8 police chief. And I guess the appointed police
9 chief wanted to evacuate, but the mayor was
10 concerned about the cost, I guess, of, you know,
11 overtime deployments or something like that and
12 wouldn't agree essentially.

13 So the sheriff said, well, my independence
14 enables me to, you know, do things like that
15 without the influence of politics. Well, I
16 think that's -- those instances are pretty rare,
17 frankly. And I -- I think the other thing is
18 that little individual instances are really not
19 what I'm talking about. I'm talking about a
20 macro level of power that contradicts both the
21 idea of a consolidated government and a strong
22 mayor model of governance that I think needs to
23 be thought through, and the -- combined with the
24 fact that, unlike in New Orleans, here, JSO is a
25 public monopoly and the only game in town really

1 vis-a-vis law enforcement, which is also part of
2 that problem.

3 MR. YOUNGBLOOD: Okay. So you feel the
4 solution, then, under an appointment, as a
5 police chief, under the mayor -- under the
6 strong mayor government, also an additional
7 layer of bureaucracy to have another department,
8 or a police department versus a sheriff's
9 department? Because I think our founding
10 fathers truly did, under consolidation, want the
11 appointment and --

12 DR. HALLETT: Yes.

13 MR. YOUNGBLOOD: -- obviously we've chosen
14 differently and gone to the elected process.

15 DR. HALLETT: Well, you know, I really
16 wouldn't -- it seems to me you can go two ways
17 here. The preferable way is to have a
18 metropolitan police department because I think
19 you get -- you actually get more control of cost
20 and more appropriate political control.

21 But you could, as the charter recommended,
22 the original charter -- I got a copy of it from
23 the main library, the draft charter -- advocated
24 an appointed police chief of one metropolitan
25 sheriff's office, but it was an appointed

1 public -- director of public safety.

2 Either way, that would fit more in line
3 with the strong mayor model and the consolidated
4 government than what we have now.

5 MR. YOUNGBLOOD: Thank you.

6 MR. AUSTIN: Doctor, would you recommend
7 that -- if you were recommending to us what
8 course of action to do, would it be to directly
9 recommend the appointment of a sheriff or did
10 you mention a creation of a study group or some
11 sort of different apparatus?

12 DR. HALLETT: Well, my understanding --
13 maybe I'm misunderstanding -- is that this body
14 is empowered to make recommendations to the City
15 Council; is that right?

16 THE CHAIRMAN: (Nods head.)

17 DR. HALLETT: Which is also actually a
18 weakness of the system because you could only
19 make recommendations to the council. I think
20 that ought to be changed as well where at least
21 some portion of this body ought to be in
22 Tallahassee or some other structure ought to be
23 put in place whereby some actual changes can be
24 made without having to depend on the council.

25 But my recommendation, based on everything

1 I've heard and read and know, would be a
2 metropolitan police department in addition to
3 the existing county sheriff because the sheriff
4 is a constitutional officer. It's in the
5 Florida Constitution, like a lot of things, and
6 so I think it would be more -- it would be -- it
7 would be very difficult to -- it would be more
8 difficult to remove the electability of the
9 sheriff because of that, although I'm sure it
10 could be done.

11 I think it -- for a lot of reasons
12 involving just due process and justice and
13 separation of powers, I would prefer a
14 metropolitan police department coexisting with
15 the elected sheriff's office, the independently
16 elected sheriff.

17 THE CHAIRMAN: Dr. Hallett, I want to
18 follow up on some comments you made.

19 What I hear you saying is notwithstanding
20 comments to the contrary, it is not
21 unprecedented for consolidated governments like
22 ours to have this setup that you're advocating,
23 the metropolitan police department. Charlotte,
24 Indianapolis and Nashville --

25 DR. HALLETT: It's the norm.

1 THE CHAIRMAN: It's the norm. Okay.

2 So what -- is there enough data from those
3 governments to get a sense of the cost
4 efficiency that can be realized and the
5 political accountability that can be improved or
6 is that structure fairly recent in those
7 governments?

8 DR. HALLETT: I'm sure that there are
9 data. Again, every jurisdiction is unique, and
10 transferring their situation to our situation is
11 a little bit like apples and oranges, and I'd
12 be -- that would be a large undertaking. It
13 could be done -- and I haven't done it.

14 I do notice, though, the pattern of
15 consolidated governments which had structures
16 similar to what we have now changing back to an
17 appointed police chief and a much more scaled
18 down sheriff's office with an
19 independently-elected sheriff.

20 And the subtext of those changes, I do
21 know, was a political struggle for control over
22 the budgets, over representation, over the power
23 of the mayor versus other powers in the
24 jurisdiction. Those kinds of battles are
25 normal, it seems to me, but the -- in other

1 consolidated governments, that's what's
2 happened.

3 THE CHAIRMAN: Commissioners?

4 Commissioner Oliveras.

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

6 I just -- a follow-up question occurred to
7 me. In municipalities that have appointed
8 police chiefs, we've heard testimony that the
9 tenure of those police chiefs tends to be much
10 shorter. Is that your experience, or do you
11 have any comments on that as to --

12 DR. HALLETT: I don't know about that.

13 (Simultaneous speaking.)

14 MR. OLIVERAS: -- thoughts of any
15 (inaudible)?

16 DR. HALLETT: I don't know about that.

17 When Ray Kelly was here, police
18 commissioner of New York, I was able to have a
19 long conversation with him about this very
20 issue. He's been sort of one of my heroes.

21 He -- I think there are lots of
22 long-standing police chiefs across the country.

23 Again, just to follow up on the previous
24 comment, what I'm recommending is a feasibility
25 study to explore the details of the kind,

1 Mr. Duggan, that you're asking about.

2 Again, I know -- I've read through the
3 matrix audit. There are things I don't know,
4 and I'm sure there will be a rebuttal from JSO.

5 I do think the data support a detailed look
6 at how that might work and also a conversation
7 about why it was in the original draft charter
8 that there was an appointed director of public
9 safety, especially after hearing Mr. Mullaney's
10 testimony about the logic of the strong mayor
11 model of government.

12 It seems to be the linchpin of the whole
13 thing is a strong mayor model. Have the strong
14 mayor or not, but what we've got right now
15 compromises the mayor's office, in my view, in
16 real serious ways that especially involve the
17 budget.

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

20 Thank you very much, Dr. Hallett. I
21 appreciate it.

22 DR. HALLETT: I'll leave this with you, if
23 you want, the matrix --

24 THE CHAIRMAN: Mr. Clements will take
25 charge --

1 DR. HALLETT: I'll leave this with you too
2 (indicating).

3 THE CHAIRMAN: And you will send an
4 electronic copy --

5 DR. HALLETT: I'll send it to Mr. Clements.
6 (Tenders document to Mr. Clements.)

7 MR. CLEMENTS: Appreciate it.

8 THE CHAIRMAN: Thank you.

9 Commissioners, our next speaker will be
10 former mayor Lou Ritter, who has an extensive
11 public service resume. He was a member of most,
12 if not all, of the governmental structures that
13 predated consolidation, including being the last
14 preconsolidation mayor of the City of
15 Jacksonville. He's here today to share his
16 experiences with an appointed police chief model
17 for law enforcement in the county prior to
18 consolidation.

19 And, Mayor Ritter, our court reporter will
20 swear you in.

21 MR. RITTER: Thank you, Mr. Chairman,
22 members of the committee.

23 First, may I make a -- I guess I'm supposed
24 to raise my hand.

25 THE REPORTER: Do you affirm that the

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

4 MR. RITTER: I do.

5 THE REPORTER: Thank you.

6 MR. RITTER: Is there any way of getting a
7 little bottle of water? Because I get kind of
8 throaty after 47 years of making speeches about
9 consolidated government, et cetera.

10 THE CHAIRMAN: Mr. Clements is kindly
11 taking care of that for you.

12 MR. RITTER: Thank you so much.

13 I was very impressed with the remarks made
14 by Dr. Hallett. I have been on a couple of
15 programs with him over at the Florida
16 Times-Union, and I shared one of those
17 experiences shortly after I thought I'd give up
18 my job as a lobbyist in Tallahassee after so
19 many years experience in city, state, and
20 federal government that -- I had been in
21 negotiation with Dr. Adam Herbert, the past
22 president of UNF, of writing a book about the
23 history of Jacksonville's politics after we
24 shared coffee together on many a night in
25 Tallahassee when I was over there full-time and

1 he was there.

2 And, of course, as time goes along,
3 Dr. Herbert went off to Indiana University and
4 my chance for a book and working with the
5 political science department to sort of be a
6 resource person for them, it was cast aside. I
7 still donate my services.

8 I am in the process of writing a book about
9 the history of Jacksonville's politics. In
10 1932, when a young guy named Bill Ritter was a
11 write-in candidate -- he was my cousin -- the
12 only one in the history of Duval County. At age
13 24, his dad was elected and died before he took
14 office and he was a write-in candidate to win in
15 a countywide race.

16 So politics have been with me ever since,
17 standing as a small child in second grade in
18 East Jacksonville School at the corner of Adams
19 Street and Franklin Street to wave at
20 President-elect Franklin Roosevelt. He came
21 here before he was sworn in in March of '33 and
22 went out on the John Jacob Astor yacht, so our
23 second grade teacher took us all down there. We
24 got to wave at the president, and I have wrote
25 off and got a copy of his speech that he made in

1 Hemming Park.

2 But I listened with interest, and I would
3 like to just qualify my experience to be of some
4 help to you because I love this city. My father
5 was born here before me. I was born here in
6 1925.

7 I have studied the art of Jacksonville city
8 government when I was a senior in public
9 administration at the University of Florida. I
10 wrote my senior term paper on the archaic form
11 of Jacksonville's municipal government. It was
12 changed in '49 to 1951 to make a series of
13 changes.

14 Then consolidation actually was spoken of
15 in the early '30s. When you see -- Dr. Towers
16 headed up a group of lawyers here in town, and
17 it lost at the polls in 1933 or '34. So it
18 came -- consolidation came about starting in
19 1965.

20 I have a series of articles here. It's a
21 factual story because when the Times-Union, a
22 journal writes something about you, it has to be
23 factual. So -- how to report that, and I was
24 going to -- it took up too much time.

25 But I would like to talk to you about -- we

1 had a series of bad situations in our police
2 department in the early '60s. I sort of had
3 a -- having been a City Councilman at the age of
4 25, the president of City Council at age 27, and
5 then getting an early run on becoming mayor
6 after Mayor Burns became governor, I hit the
7 ground running on a series of reforms that
8 almost took place, did take place for a year,
9 and then lost to the body politic.

10 I would like to say I believe -- Mayor
11 Austin, he was a public defender, I believe,
12 back then.

13 Shortly after I was elected mayor, I took a
14 series of reform steps by integrating our police
15 department. The African-American police, we
16 used to (inaudible) at Davis Street. We
17 abolished that. They didn't have to take
18 passed-down uniforms. We abolished that.

19 We set up and created the first
20 anti-poverty agency, and I remember me saying to
21 take all steps towards solving crime. And the
22 net result -- I was invited to the White House
23 in the latter part of '65, and perhaps the only
24 mayor in the history of Jacksonville ever
25 invited to the White House by President Lyndon

1 Johnson to talk about how little Jacksonville,
2 Florida solved their violence problems and what
3 we did. It made national news.

4 I was proud of that moment. If any of our
5 citizens were not proud, they still wanted
6 segregation of everything. And when you
7 mentioned something new, the good-old-boy system
8 rears its ugly head.

9 I hope you won't call me a buffoon there
10 because I'm pretty talented. I say that in
11 jest.

12 But you have to have opposing sides.

13 At the 30th year of consolidation, I was
14 asked by three of its members to come speak on a
15 favorite subject of mine, nonpartisan
16 elections. I thought surely that would be a
17 winner. I was struck immediately by -- well,
18 I'm a conservative; I ain't no liberal. I'm so
19 tired of hearing words, conservative and
20 liberal, because, when you bring that 911, they
21 don't ask what political party you belong to,
22 you want immediate assistance. I feel that way
23 on safety, on sanitary sewers, and all that
24 which is traceable to my career.

25 As I mentioned, in October of 1964, after

1 the legislature sponsored in '63 and created an
2 advisory committee to the mayor -- Mayor Burns
3 at the time -- to look at all of our problems of
4 crime. We were in miserable condition. We had,
5 unfortunately, police officers on the take,
6 which I fired over 20 of them.

7 We were able -- it was such an imbalance of
8 the police department that we actually, after a
9 year and a half of implementing a study, we were
10 able to reduce the police department by 100
11 members, from 500 and something to 400, to meet
12 the new criteria and also you had to retire at
13 age 65.

14 As a net result, it took 27 different
15 points to reform the police department before we
16 came to an appointed chief of police. It
17 started in 1963 with an act of the legislature.
18 Working through that, the International
19 Association of Chiefs of Police was retained by
20 the City for a 268-page booklet. It weighed two
21 and a quarter pounds -- I think I still have a
22 copy of it -- to fulfill all the things that
23 needed to be done. And if ever there was a
24 thing that was an uphill battle, it was that.

25 And I heard earlier today, a young

1 gentleman spoke, we believe in elective [sic]
2 sheriff. Well, back then they almost passed an
3 appointed sheriff. Now, there is one county in
4 the state that has one. That's the county of
5 Miami-Dade. It used to be Dade County back in
6 the '60s. It's now Miami-Dade.

7 They have a public safety director that's
8 appointed, and you have to look at their
9 statistics. You can't compare a city of
10 Miami -- because they have 28 municipalities.
11 Hialeah, Miami Beach, all of them have their
12 separate chiefs of police, but they have one
13 public safety director who's a member of the
14 Florida Sheriffs Association.

15 As a net result, we set out to implement
16 all of the programs. First -- the first step
17 was to take politics out of the police
18 department. Don't lay it in the hands of unions
19 because we had a union back then too. They
20 threatened this police commissioner and mayor
21 with boycotting the police department to the
22 traffic at three o'clock when you went on duty,
23 either you follow our edict or we will not
24 report for duty.

25 I had the City attorney, William Madison,

1 who was a true municipal lawyer, give me an
2 opinion. If they failed to show up for duty at
3 three o'clock on their motorcycles -- or
4 detectives or what have you, that you could
5 immediately suspend them, and I would prefer
6 charges to be filed.

7 As a net result, the union subsided and
8 they fell out for duty as a good police officer
9 should do. Leave that stuff at the bargaining
10 table. Don't threaten the safety of the people
11 of Jacksonville as is being threatened.

12 Now, any time you-all have a question,
13 follow your decorum or whatever you'd like, I'll
14 be happy to answer it.

15 In implementing the entire department, we
16 started on the reform of implementing what could
17 be done. We left in place the present chief,
18 Luther Reynolds, until his retirement date of
19 65. He was already over 65, but they had an
20 interim period for which to retire. We retired
21 over 40 officers at one time.

22 We then set out to set up standards. Not
23 we as a city commission, but we as a city
24 commission, concurrence of the City Council, set
25 forth to take competitive bids that we retain

1 the firm through our advisory committee, which
2 was created by the legislature, of it -- of
3 engaging the International Associations of
4 Chiefs of Police. They wrote every step that we
5 should take.

6 There wrote every step that we should
7 take. There were a lot of little funny steps
8 that we had to jump hurdles over. As an
9 example, one of the first things, we found out
10 that our manpower was inefficient because we had
11 two men riding in a police car at the same time
12 in the '50s and '60s.

13 Well, what usually happened, one would
14 sleep in the back some time because he had to go
15 over to his regular job at seven o'clock in the
16 morning. We ended that. They said, oh, you're
17 keeping our officers unsafe.

18 Well, that was kind of a funny argument in
19 that we have a radio system, within a few blocks
20 another officer would show up. So that proved
21 to be a faulty argument.

22 Then we had -- a police officer should
23 write X number of tickets for traffic safety.
24 As a net result, traffic resumed down. I could
25 always remember at the corner of Golfair and --

1 Boulevard, Butler Cleaners. You-all been out on
2 the Northside of town know where that is. It
3 was there. Well, police officers hid in their
4 motors behind the -- the building and stopped my
5 neighbors and said, well, we didn't want to give
6 you a ticket, but the new mayor, he wants you to
7 have a ticket for speeding, I've got to write
8 one.

9 Well, needless to say, three of my
10 neighbors came by my house and asked me was that
11 a fact. I said no. But that would show you the
12 length to try to stop something. You won't get
13 applause for what you're going to do because
14 they're going to say, we are the best, we are
15 the safest.

16 As a net result, we don't really know who
17 we're comparing ourselves with. Only when you
18 read some of these clippings, where after one
19 year of implementing all of the programs, other
20 than appointing the chief through a national
21 examination, we were the one city in Florida
22 above 100,000 to 250,000 -- 250,000. That was
23 all the top five cities in the state -- where
24 the City of Jacksonville showed a 3 percent
25 decrease in crime. Murders, robberies, rapes,

1 you have it, whatever. The nation's average was
2 an 8 percent increase. I was pretty proud of
3 that.

4 As a net result, one of the standard
5 arguments that came up -- in all the hearings,
6 there was one stand-up guy in Jacksonville who
7 was on the committee, the consolidation
8 committee, was J.J. Daniel. He advocated the
9 consideration of an appointed chief of police
10 because the statistics had proved we were
11 right.

12 As a net result, we had 94 applicants
13 approved. Over 200 applied. Only five in
14 Jacksonville were even qualified to take the
15 test, three off the Jacksonville police
16 department, two off the sheriff's department.

17 As a net result, two of them got into the
18 top 20 as far as the written exam, and that was
19 Captain -- Assistant Chief R.C. Blanton, Jr.,
20 and Detective E.B. Runyon, both of the
21 Jacksonville police department.

22 There were four -- there were 29 -- 94
23 cities and 29 states for which they came from.
24 We held -- there was no committee that did
25 anything twice. There was a written exam

1 committee conducted by the IACP, went off okay,
2 then there was an oral committee, which three
3 chiefs of police -- one from West Palm Beach,
4 one from Atlanta, and one from Chicago -- there
5 was the oral committee, and then the final
6 committee.

7 I was submitted four names for which to
8 choose. Needless to say, I was very proud.
9 Captain R.C. Blanton, who went on the police
10 department in 1941, went into service as a foot
11 soldier, became a full colonel in the Army
12 Reserve, graduated from the FBI academy while he
13 was still going -- working at the Jacksonville
14 police department. All of that, he was in the
15 top four.

16 There was a Captain Anderson from the
17 New York City Police Department; a gentleman
18 from Mequon, Wisconsin; a gentleman from
19 Pittsburgh, Pennsylvania; and our own
20 R.C. Blanton.

21 I could always remember -- I was not
22 allowed to sit in on the final interviews, but
23 Captain Anderson was the first one alphabetic to
24 be interviewed. He walked in my office. He
25 said, Mayor Ritter, I'll be honest with you.

1 I'd love to live in Jacksonville, Florida, and
2 be your chief, but if I had a man with the
3 credentials of Colonel Blanton, I would not go
4 outside the city of Jacksonville. That gave me
5 great hope to know that our man was in the top
6 four of the over 200 who qualified nationwide
7 representing 29 states, 94 cities.

8 As a net result, the mission was finished.
9 February of 1967, after starting in '63 -- we
10 were a little more expedient than the
11 courthouse, but we were not too much. We ran
12 into -- every time you turn around, that
13 reformist, that young whippersnapper knows
14 nothing about -- it was a fact that we had the
15 talent, but we never gave that talent because
16 you came through the old-boy system, and the
17 old-boy system began to fail us.

18 As a net result, in the final arguments of
19 consolidation, many took the arguments -- Dale
20 Carson, who became the sheriff in the mid '50s
21 when former governor Roy Collins appointed him
22 sheriff because we had a good old Ortega boy
23 that knew how to sell insurance, but he didn't
24 know how to be a sheriff.

25 As a net result -- Carson was an FBI man

1 that had all the credentials needed, so that
2 went by the way of -- by the wayside. As a net
3 result, we went ahead and attempted to put it
4 into a consolidated department. It was left
5 out.

6 And I would like to say that -- I don't
7 know whether any of -- who wrote the charter
8 would review the same situation again today
9 because -- I know my good friend Ed Austin was
10 the City attorney, and we have, I think, 11 or
11 12 former City attorneys who were very familiar
12 with the charter.

13 But at the same time -- this is just a
14 touch-all on law enforcement because there are
15 many other things -- I know after I -- when I
16 left Jacksonville, I didn't stop with just
17 giving a speech in Washington. I was hired by
18 the late -- Ms. Fowler passed away, but Sergeant
19 Shriver was head of the Office of Economic
20 Opportunity.

21 And our schedule for two -- one by Senator
22 Smathers and one by Congressman Bennett to
23 either work either for Sergeant Shriver in the
24 poverty program or for Jack Beleny (phonetic)
25 under President Johnson.

1 After meeting with Serg Shriver and getting
2 my task of what I was supposed to do, I opted to
3 go with the Office of Economic Opportunity. And
4 I sometimes wonder why they left me out. Maybe
5 they didn't like to hear statistics from other
6 cities.

7 But I worked at Bedford-Stuyvesant in
8 New York solving a problem, the city of Atlanta,
9 the city of Miami, the city of San Francisco,
10 all over America, and I always found a way of
11 getting Duval County some money back here for my
12 city for Mayor Tanzler to implement programs
13 that were implemented.

14 As a net result, it was a good, rewarding
15 experience for me. I later came home. I worked
16 as a head of the professional regulation
17 department with -- running 27 regulatory boards
18 for the State, doctors, lawyers, nurses,
19 osteopaths, so forth, and then I became a
20 full-time lobbyist and was -- in 2006, my last
21 year, was voted the outstanding lobbyist in
22 Jacksonville.

23 I only represented the City of Jacksonville
24 Beach on two occasions, but most of my clients
25 were private clients, such as Offshore Power

1 Systems, Florida dry-cleaners, nurses, what have
2 you, funeral directors, all of them.

3 But anyhow, I had great experience, but I
4 bring to you this subject of law enforcement
5 today -- I appreciate so much your chairman
6 asking me to come.

7 I'd like to say, when the -- ten years ago,
8 nobody won nonpartisan elections. I hope that
9 will be on your laundry list to look at today
10 because 21 percent of our new people are
11 registered independent or nonpartisan.

12 There are a lot of other things. I often
13 wonder -- Ed's influence can help. Why, oh, why
14 we single out the police department, but do we
15 single out the aviation authority?

16 I had read where one of the mayor's
17 assistants about three years ago wrote -- they
18 don't take any money from the general fund.
19 They haven't taken any money from the general
20 fund since 1956 when I put it on a
21 self-sustaining, tax-free basis.

22 Why do they enjoy the freedom? They're
23 trying to opt out of the Ethics Commission, and
24 I think it -- the best Ethics Commission we had
25 was Mr. William Howler (phonetic), who was a

1 state attorney, because you remember -- he sent
2 you a lot of customers down there because if you
3 cheated on the City, you met with him and you
4 ended up breaking (inaudible) where you should
5 have been.

6 Anyhow, JEA used to give 50 percent of the
7 general fund money. Now, they haven't -- look
8 at the analysis of it, compare it with Orlando.

9 When I signed the bonds in 1966 for the
10 Northside generating system, we were then the
11 second largest municipally-owned electric system
12 in America. We're now affectionately proud of
13 being the eighth. What happened?

14 The Port Authority has been a great asset
15 to this community. All of their enjoyed freedom
16 that the taxpayers shouldn't have to get hit
17 over the head with. And I admire the mayor and
18 the City Council for biting the bullet because
19 it was a tough bullet to bite at this time, and
20 it's going to be even tougher next year.

21 But in closing, I -- I'd like to open it up
22 for questions to say was there any downside to
23 the chief of police? No.

24 Could you consider today without getting
25 shot down real quick by those that say, oh, it

1 won't work here, it won't work here? You never
2 know until you try.

3 I'd like to look at other cities now, show
4 you how a -- consolidation, I don't think it
5 will ever come back to Florida again.

6 Mr. Ed Ball was one of the big members of
7 consolidation. How many of you-all remember
8 Mr. Ball? He was with Florida Dupont. Big, big
9 money. He signed on for consolidation.

10 I was sent to see him when I was retained
11 by the anti-consolidation forces in Tallahassee
12 of Leon County. We overwhelmingly defeated
13 consolidated. He said -- I said, Mr. Ball, when
14 I was still in office, you was for
15 consolidated -- he said, that applied to
16 Jacksonville, not to Tallahassee. I don't want
17 you subdividers eating my plantations up with
18 the other plantationers.

19 They wanted to keep that old county with
20 plantations and so forth, and it lasted that way
21 till ten years after his death.

22 But anyhow, I would be happy to open it up
23 to tell you that I think you have a great
24 opportunity. You have a tough job. There are
25 so many things -- because you can't --

1 There's only been three referendums in
2 40 years. I look at one that was to buy
3 Miami -- some of the people have a great old
4 story yet about how we started the sanitary
5 sewer program in 1957 when 80,000 of our
6 citizens had no sanitary sewer, right across
7 from the old Board of Health.

8 All that came about along with pollution.
9 We were solving those problems -- but why take a
10 sewer department, which is not a winner, and put
11 it into the electric department and make both of
12 them losers?

13 We were down there in Nocatee putting money
14 in the tab, pipes sitting up here on the
15 ground -- because they're not building any homes
16 down there. Who's got the tab? You the
17 citizens of Duval County have it because the
18 JEA -- it used to be Jacksonville Electric
19 Authority. Now it's JEA. They don't even know
20 it's a municipal electric system. They
21 shouldn't be in that business. Florida Power
22 and Light is not in that business. Gulf Power,
23 Florida Power, they're in the electric
24 business. We should be in the electric business
25 making profit for our citizens who live in

1 Jacksonville, Duval County.

2 In closing, again, I want to say that I'll
3 answer any questions you have and there will be
4 an honest answer. I don't have a dog in the
5 fight, except I think we could do a better job
6 today as we had the opportunity in '68 that got
7 turned back to an issue that you won't touch --
8 those days -- Sheriff Carson and I still played
9 golf together after I left office, and I always
10 respected him as being a true professional
11 sheriff.

12 Mr. Chair, thank you.

13 THE CHAIRMAN: Thank you, Mayor Ritter.

14 Commissioner Oliveras has a question for
15 you.

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

17 Thank you for being with us today,
18 Mayor Ritter.

19 Earlier in your comments you referenced
20 officers sleeping on duty so that they could
21 possibly go work their daytime job. Could you
22 describe preconsolidation, what the salary and
23 benefits were for the Jacksonville police
24 officers and what the effect was
25 post-consolidation and the -- the paying

1 benefits packet?

2 MR. RITTER: Yes, sir.

3 In -- we were one -- the Duval County
4 Sheriff's Office paid a better salary than the
5 Florida Highway Patrol, a better salary than the
6 local police department did.

7 THE CHAIRMAN: Mayor Ritter, can you speak
8 into the microphone?

9 MR. RITTER: The -- under preconsolidation,
10 the Jacksonville Police Department's salary was
11 lower than the Duval County Sheriff's Office,
12 and I believe the Florida Highway Patrol was
13 also higher.

14 After consolidation, they were commensurate
15 with other cities. Our chief of police, I
16 think, made 16,5-, whereas Atlanta was 17,000,
17 and I think Miami was 16,000 -- 15,000. We went
18 in between, for a city of that size.

19 MR. OLIVERAS: And, Mr. Mayor, do you think
20 that the police corruption that existed at that
21 time and the officers that you had to let go --
22 and some people got prosecuted as well. Did the
23 pay -- do you think the low pay at the time had
24 anything to do with their corruption?

25 MR. RITTER: I think it was better

1 recruitment because we were allowed to recruit
2 statewide for a police patrolman, and we found a
3 lot of our police officers came from smaller
4 communities like Live Oak. You know, they
5 eventually moved to Jacksonville, but they took
6 it to increase their salary, and their standards
7 were similar -- the same.

8 Chief Blanton had a series of very good
9 training programs. As an example, just as an
10 aside, Lieutenant Marvin Anderson was our first
11 African-American assigned to downtown traffic.
12 About six months after he was assigned that job,
13 he brought to me a young, handsome
14 African-American person in their early 20s who
15 was not allowed to take --

16 THE CHAIRMAN: Mayor Ritter --

17 MR. RITTER: Yes.

18 THE CHAIRMAN: -- I need you to speak into
19 the microphone.

20 MR. RITTER: -- was not allowed to take the
21 civil service exam. I used my bully pulpit as
22 mayor to say let him take the examination. And
23 if he passes, that's one thing; if he fails,
24 another, but don't put that blinder up there for
25 me.

1 As a net result, that young officer proved
2 to be the greatest sheriff we've have in many a
3 day, Nat Glover. I'm proud of that
4 appointment. As a police patrolman, he went
5 through every step of the academy, he and Hugh
6 McMillan and others. That was really before
7 consolidation began to lose its grip.

8 I'm not saying it's right or wrong, but I
9 think that it's overstepping its bounds to get
10 that -- where a guy is hit over the head, to get
11 our endorsement, you've got to do so and so. I
12 don't know how many says yes or no to the
13 endorsement, but the union has certainly
14 influenced itself somewhat. And those that
15 don't believe it have never run for public
16 office. They're powerful.

17 THE CHAIRMAN: Vice Chair O'Brien.

18 MS. O'BRIEN: Thank you.

19 Mayor Ritter, thank you.

20 It is everyone's, I believe, belief or
21 understanding that the original intent of
22 consolidation was for all of the constitutional
23 officers, not just the sheriff, but the property
24 appraisers and such to, at that time, upon
25 consolidation, be appointed in the draft version

1 of the charter for Jacksonville.

2 But due to political reasons, in order to
3 pass the charter, it's my understanding that
4 these five constitutional officers were exempt
5 from the consolidated government in terms of
6 them still being allowed to be elected.
7 Obviously, it was political reasons that
8 happened.

9 Can you help us understand at the time what
10 those political reasons were? And second of
11 all, if those same political reasons still exist
12 today that would cause the true intent of
13 consolidated government not to take place.

14 MR. RITTER: Well, A, when you look at the
15 constitution of Florida, I don't -- it will
16 have -- anybody could go to a reasonable, good
17 law school like Florida or Florida State, and
18 that reason that -- you've got a barrier with
19 the constitution of the state of Florida.

20 You've got 67 supervisors of elections,
21 67 property appraisers, 67 tax collectors,
22 66 elected sheriffs, and one appointed sheriff
23 because Miami-Dade got an exemption to the
24 charter.

25 But, as you recall in the election, many

1 people wanted Sheriff Glover to run for a third
2 term, which would have prevented him -- and he
3 would have won his case, regardless of what the
4 City attorney -- and that's why I say it would
5 be well to find out how a City attorney can rule
6 that our charter exceeded that of the state
7 constitution.

8 And as a net result, you may get a lot of
9 opinions if you challenge that. Henry Cook,
10 particularly on one issue there, was allowed to
11 run -- Nat Glover took the position, well, I
12 agreed to only two terms because the charter
13 stated that we should serve only two terms. And
14 that really came about as a referendum in the
15 early '90s, right after Congresslady Fowler ran
16 for Congress, is to restrict to two-term
17 limits.

18 City Council will serve 20 years -- if you
19 were lucky enough to serve 20 years, you'd get a
20 pension of 50 percent under an old state law,
21 but it did not allow for -- the original charter
22 did not allow for term limits.

23 So Glover wrestled with himself. He would
24 have been easily elected sheriff. And you
25 look -- market, four years or more of what he

1 was doing, patrolling the streets. It might
2 have made the difference of East Springfield or
3 North Springfield, other sections of
4 Jacksonville that really got left out. It was
5 the old area that nobody wanted to pay attention
6 to. That was the area.

7 He was doing a marvelous job, not that
8 Sheriff Rutherford hadn't done an equal job.
9 But until you overcome that, and to see if the
10 City has that power to regulate over the
11 constitution, I really don't see it. And the
12 best example, as the chairman pointed out, is --
13 actually, anybody could perform the tax
14 collector's duties and pay your bills and so
15 forth, and the property appraiser just had a
16 problem recently.

17 But I don't know how you overcome the
18 barrier of a state constitution.

19 THE CHAIRMAN: Mayor Ritter, I think I know
20 the answer to this question, based on your
21 testimony today, but I'm not sure I've heard you
22 say it explicitly. Would you endorse the
23 concept of returning to an appointed chief of
24 police and a metropolitan police department?

25 MR. RITTER: I absolutely would and would

1 debate anybody on the courthouse steps that our
2 cause is now ready, after 40 years of seeing
3 boom, boom, boom. I think it's a step to
4 strongly consider it, and I would --

5 It wasn't my dream boat, but it was a dream
6 boat of people with vast greater professional
7 knowledge and police work throughout this
8 nation.

9 THE CHAIRMAN: Thank you.

10 I have no other speakers in the queue.

11 Commissioners, any further questions?

12 COMMISSION MEMBERS: (No response.)

13 THE CHAIRMAN: Okay. Thank you very much,
14 Mayor Ritter. We appreciate it.

15 MR. RITTER: Thank you.

16 THE CHAIRMAN: Mr. Clements, do we have
17 public comment speakers?

18 MR. CLEMENTS: (Inaudible.)

19 THE CHAIRMAN: Would any members of the
20 public like to address the commission?

21 Dr. Thomas, did you indicate you would like
22 to --

23 AUDIENCE MEMBER: Yes, Mr. Chairman.

24 THE CHAIRMAN: Please step up.

25 (Audience member approaches the podium.)

1 MR. YOUNGBLOOD: Mr. Chairman, if I could
2 interrupt for one moment.

3 THE CHAIRMAN: Sure.

4 MR. YOUNGBLOOD: I also wanted to hear --
5 since I see the president of the FOP here today
6 with us, Nelson Cuba, I'd love to hear from him,
7 if we could. And I don't know that he's filled
8 out a comment card and what we need to do there.

9 THE CHAIRMAN: He's certainly welcome to
10 speak at public comment.

11 MR. YOUNGBLOOD: Great. Thank you.

12 THE CHAIRMAN: Sure.

13 AUDIENCE MEMBER: Thank you very much.

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

16 AUDIENCE MEMBER: My name is Dr. Henry
17 Thomas, and I reside at 6977 Salamanca Avenue.

18 THE CHAIRMAN: Thank you.

19 DR. THOMAS: I'm speaking to you today in
20 my capacity as president of SCLC, and we have
21 come to talk --

22 THE CHAIRMAN: Dr. Thomas, just for the
23 record, could you identify that organization?

24 DR. THOMAS: Southern Christian Leadership
25 Conference.

1 THE CHAIRMAN: Thank you.

2 DR. THOMAS: We have come before the
3 commission before requesting for a civilian
4 review board. Current state law would suggest
5 that, in order to have a review board, we would
6 need a metropolitan police department as opposed
7 to a state constitutional sheriff.

8 And that, I think, again, points to the
9 statement that Dr. Hallett was making, that the
10 commission and the mayor really don't have the
11 authority to -- to prescribe to a state
12 constitutional officer. And so, in that sense,
13 the sheriff is outside of the framework of
14 the -- of the consolidated government.

15 So our call for a civilian review board
16 would certainly be compatible with this request
17 for a change to a metropolitan police
18 department, and we would be very much in support
19 of that.

20 We believe that this argument is
21 essentially an equity argument rather than the
22 efficiency argument you've been hearing thus
23 far. We believe that the relations between
24 police and community will be much smoother if
25 there is a civilian review entity. Many of the

1 jurisdictions in Florida that have police
2 departments have created such entities, and they
3 are operating effectively.

4 So, in that light, our argument is
5 essentially an argument for a metropolitan
6 police department, but its focus is in terms of
7 that permitting us to create a civilian review
8 board.

9 THE CHAIRMAN: Thank you very much.

10 Commissioners, any questions?

11 COMMISSION MEMBERS: (No response.)

12 THE CHAIRMAN: Thank you, Dr. Thomas.

13 DR. THOMAS: Thank you.

14 (Audience member approaches the podium.)

15 AUDIENCE MEMBER: Good morning.

16 THE CHAIRMAN: Good morning.

17 AUDIENCE MEMBER: My name is Benjamin
18 Hamilton. I'm with the First Coast Coalition.
19 That's a (inaudible) SCLC and NAACP and a number
20 of other organizations here in Jacksonville.

21 I'm a graduate of Hastings University of
22 California, College of Law in San Francisco
23 where I received a juris doctorate. I have a
24 bachelors (inaudible) and bachelors in
25 administration of justice from the University of

1 California, (inaudible) State University. I was
2 born here in Jacksonville. I spent some time in
3 the military.

4 I'm here today as a concerned citizen. And
5 one thing is that there's a -- there's a lot of
6 killings here, so I'm here in support of a
7 civilian review board.

8 I compliment Dr. Hallett. Dr. Thomas is a
9 colleague of mine. But I think it was an
10 excellent presentation, factual, and I -- I feel
11 honored having Mayor Ritter here. I was a
12 little kid during the time he was in office.

13 But the reason I'm here -- I'm in support
14 of the appointed sheriff, the strong mayor,
15 mainly because I think that any public servant
16 or elected official should be accountable. And
17 as the government is organized (inaudible) with
18 the sheriff outfit (inaudible) it's operated.
19 It is a monopoly. And if he chooses not to be
20 (inaudible), you know, he doesn't have to be.
21 He can go outside for money, he can go outside
22 politically. I think he should be accountable
23 to the mayor and to the people.

24 I'll tell you an example is that -- the
25 Ministerial Alliance was talking to the mayor

1 about a review board. He said he wasn't
2 interested. That's the end of that. Okay. And
3 I don't think any official, the mayor or anybody
4 else should be not accountable to the people.

5 I think initially, when the consolidated
6 government, the founders of this city, they
7 wanted an appointed metropolitan police
8 department and an appointed sheriff. I think we
9 should take a look at that, and I think it was a
10 good idea. I think it's the accountability
11 issue.

12 But that's my primary reason for being
13 here, and I wish you guys would take that into
14 account in your decisions.

15 THE CHAIRMAN: Any questions?

16 COMMISSION MEMBERS: (No response.)

17 THE CHAIRMAN: All right. Thank you, sir,
18 for coming down. Appreciate it.

19 MR. HAMILTON: Thank you.

20 (Dr. Hallett approaches the podium.)

21 THE CHAIRMAN: Dr. Hallett.

22 DR. HALLETT: Mr. Duggan, thank you.

23 Just two quick points.

24 The -- because I was involved in the
25 conversation about the civilian review board, I

1 just want to point out, I don't want the
2 argument for -- that I made about an
3 independently-elected sheriff versus an
4 appointed police chief to be conflated with the
5 civilian review board. That's a whole separate
6 conversation.

7 I think that the issues that you're facing
8 and the City faces regarding the budget,
9 regarding the governance structures, strong
10 mayor model, all that, far outweigh the issue of
11 a civilian review board. Not that that
12 shouldn't be considered. And as I said in my
13 testimony, I do think that an appointed police
14 chief would have been more responsive -- more
15 comprehensively responsive to that conversation,
16 but that's a very separate issue from the other
17 things.

18 The other thing that I meant to point out
19 but didn't in my testimony is what you'll
20 encounter vis-a-vis the elected sheriff versus
21 appointed police chief is that -- you'll hear
22 the argument that, "Well, an elected sheriff is
23 accountable directly to the people."

24 Well, I guess from my perspective, there
25 are different types of accountability. An

1 elected sheriff is accountable once every four
2 years in an off-year election, in a low turnout
3 election, frankly.

4 An appointed police chief is accountable --
5 and not that the elected sheriff is
6 unaccountable, not at all, but it's a different
7 form of accountability than you'll experience
8 with an appointed police chief.

9 So I just wanted to make those two
10 follow-up comments.

11 THE CHAIRMAN: Stand by, Dr. Hallett.

12 Are you saying -- I want to make sure I
13 understand the point you're articulating. The
14 elected sheriff is appointed -- excuse me -- is
15 accountable once every four years essentially,
16 whereas an appointed chief of police is
17 accountable 365 days a year theoretically?

18 DR. HALLETT: Right. Well, I mean, you'll
19 hear it said that, well, an elected sheriff, not
20 just our sheriff, an elected official is
21 accountable directly to the people. In the
22 testimony I heard that was -- someone asked the
23 sheriff, you know, aren't you more fully in
24 touch with the community as a result of
25 essentially having to run for elections and all

1 that?

2 I think if you look at polling data at UNF
3 that we've conducted, there are lots of sectors
4 of the community that don't feel very in touch
5 with the sheriff's office, the sheriff,
6 et cetera.

7 So the point of that is that there are
8 different kinds of accountability in the two
9 models, and your purview is to examine the
10 structure vis-a-vis that accountability.

11 THE CHAIRMAN: Thank you.

12 Dr. Hallett, Commissioner Korman has a
13 question.

14 MS. KORMAN: It's really for you, so I
15 guess I can wait. And if anybody else has a
16 question for him, I'll ask after.

17 THE CHAIRMAN: Okay. Thank you.

18 DR. HALLETT: Thank you.

19 THE CHAIRMAN: This gentlemen, would you
20 like to come back?

21 MS. KORMAN: Could I ask it now?

22 THE CHAIRMAN: Sure.

23 MS. KORMAN: I just didn't want to direct
24 it towards him.

25 Two questions. Is the citizens review

1 panel under our purview in the charter? I
2 don't -- that's my first question.

3 THE CHAIRMAN: No.

4 MS. KORMAN: I didn't think so.

5 Okay. The second question is, would it be
6 possible for us to hear from Mayor Delaney and
7 possibly Mayor Peyton? Because they're the ones
8 that are -- you know, Mayor Delaney was our
9 previous mayor. Mayor Peyton is our current
10 mayor. And how do they feel about this issue?
11 I mean --

12 THE CHAIRMAN: I'm happy to invite them.

13 MS. KORMAN: I don't know --

14 THE CHAIRMAN: When we began our process of
15 listening to the stakeholders, I invited the
16 mayor to address us, as all the other branches
17 did. He was right in the heart of the budget
18 issues at that point, so I know he just didn't
19 have the time.

20 MS. KORMAN: It's no disrespect to
21 Mayor Ritter. It's just the different -- you
22 know, we're talking about current times right
23 now too. So I'd love to hear their input, what
24 they feel, if it would make them stronger or
25 not, so . . .

1 THE CHAIRMAN: Right. And I will extend
2 the invitation to both those gentlemen.

3 (Audience member approaches the podium.)

4 THE CHAIRMAN: Yes, sir.

5 AUDIENCE MEMBER: Yes. I'm a citizen of
6 Jacksonville. My name is Louis Armstrong. I'm
7 president of Cross Rock, Incorporated. I'm also
8 a local author of the book Judgment of America,
9 and a book that's coming out is Black
10 Nostradamus, Prophecy of America [sic] Future.

11 I -- a part of First Coast Coalition that
12 believe in the call for a citizen review board.
13 We have went out in the community. And in the
14 community, as we had our meetings, we asked the
15 different individuals of the community their
16 opinion on a citizens review board, and
17 99.9 percent of them gave a hand of approval.
18 That's what they want.

19 Now, why a citizen review board is
20 important and should be important for this body
21 to consider bringing to the individuals at large
22 is because of the fact that it's a more ethical
23 issue.

24 You know, from our research, we found out,
25 and talking to other cities in this state of

1 Florida -- like one that's important to us right
2 now to monitor the events that's happening in
3 Fort Myers.

4 Also, we talked to individuals in Key West,
5 close ties in Miami and Tampa, Orange County,
6 and et cetera, and we're finding out that a lot
7 of times when these -- and at least all the
8 times, really, when the citizen review boards
9 was put in place, you had a community that felt
10 more comfortable.

11 You know, I heard the mayor mention that we
12 would want and should have a police to protect
13 us and to bring about that type of atmosphere
14 that we all are pleased with.

15 With what's happening in Jacksonville and
16 from what we're getting from the general public
17 is that sometime they're afraid to call the
18 police officer because they feel like they could
19 be killed, and so we -- we don't need that.

20 And so it's important that we have a
21 citizen review board that all of the citizens,
22 whether they're in the black community, the
23 white community, the lower, the middle, upper
24 class community, all of them could be
25 comfortable.

1 You could have a -- a close relationship,
2 as they would like to say, a close
3 relationship. And we're finding out that this
4 is not happening, you know.

5 I heard one of the young ladies in the
6 Cleveland Arm [sic] community, in another
7 community, low income, they said, we feel like
8 we're forgotten. You know, you're asking us to
9 come to your church for your citizen review
10 board, and we want that, but no one is coming in
11 our community and asking us what we really think
12 about it because we really want that. We want
13 protection; we want to feel comfortable; we want
14 to feel safe; we don't want a police department
15 making us feel uncomfortable.

16 Only it's not just the killing; it's the
17 events of walking down the road.

18 And so these are issues that we have to
19 consider and this is why I'm here today
20 representing Cross Rock, Incorporated, and also
21 First Coast Coalition, saying that this is
22 something that need to be considered.

23 Thank you.

24 THE CHAIRMAN: Thank you, sir.

25 Mr. Cuba.

1 (Mr. Cuba approaches the podium.)

2 MR. CUBA: Nelson Cuba, 5530 Beach
3 Boulevard.

4 THE CHAIRMAN: Mr. Cuba, I'm sorry.

5 Commissioner Korman had a question. I
6 apologize.

7 MS. KORMAN: No, I hit my thing and then
8 the light went out, so I apologize.

9 I have a question, really, I guess, for all
10 the gentlemen.

11 THE CHAIRMAN: Okay.

12 MS. KORMAN: And I think, Mayor Austin, you
13 may be able to help me out here. You may be
14 able to help me out. I think when you were
15 state attorney and this issue came up, didn't --
16 I think it was Audrey Moran that I heard this
17 from -- have -- instead of a citizens review
18 panel, they had the police officers go in front
19 of a judge. Did that -- do you remember that?

20 MR. AUSTIN: No.

21 MS. KORMAN: Okay. Because I -- Ms. Moran
22 mentioned that one time, that they had, I guess,
23 police officers go in front of a judge at one
24 point. And I don't know if anybody else has
25 heard about this either, instead of going in

1 front of --

2 MR. AUSTIN: No, we always -- we always
3 considered the grand jury the citizens review
4 board. They -- you know, they're there, they're
5 private citizens with no interest except to fan
6 it out. I never participated in anything like
7 that. I don't know, maybe it was something
8 outside the State Attorney's Office that was
9 going on, but I don't remember that.

10 MS. KORMAN: Okay. I'll find out from her
11 and see what she says. But, I mean, it's just
12 we keep on hearing this issue over and over
13 again. It's not in our jurisdiction, but it
14 sounds like it's got to be addressed by
15 somebody.

16 MR. AUSTIN: I don't know. I'm sorry.

17 THE CHAIRMAN: Mr. Cuba, before you begin,
18 just to clarify, are you addressing us as the --
19 in your capacity as head of the police union?

20 MR. CUBA: Yes. And I'll address you as a
21 citizen of Jacksonville.

22 THE CHAIRMAN: Okay. Well, in that case,
23 I'd like to have our court reporter swear you
24 in.

25 MR. CUBA: Okay.

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

5 MR. CUBA: I do.

6 THE REPORTER: Thank you.

7 THE CHAIRMAN: Thank you.

8 MR. CUBA: Nelson Cuba, 5530 Beach
9 Boulevard, Jacksonville, Florida 32207.

10 Several of the issues I've heard today
11 and -- I wanted to address real quick.

12 As an organization of a collective
13 bargaining unit, it doesn't matter to us whether
14 you create another bureaucracy that we have to
15 deal with. It goes on in South Florida, where,
16 you know, you have this sheriff's office along
17 with 37 different municipalities and you still
18 have, you know, all these police departments and
19 unions that negotiate contracts, so all this
20 would do is create another layer of bureaucracy
21 that you have to sit down at the table to
22 negotiate with.

23 And as an organization, my interest and the
24 interest of my members are not always the
25 interest of the sheriff's office. So when I

1 hear people say that JSO and the police union
2 are always together working against, you know,
3 this big political force to get things done, we
4 don't always have the same interest.

5 So at times we're at odds and we're needing
6 different things that the sheriff doesn't want
7 us to have, so there's -- there's always that
8 fight that goes on between us at the same time.

9 And as a citizen, I think that an elected
10 official, a sheriff, as I see around the state
11 when this goes on and what I see going on with
12 other municipalities because I deal with other
13 and talk to other union presidents, it makes it
14 more difficult to get things done when you have
15 a mayor that appoints that police chief when
16 it's time to do the right thing -- and you see
17 it here at times in our fire department, that
18 there are things that for the safety of the
19 citizens of Jacksonville should continue to be
20 done, and you will see that -- that Fire Chief
21 that's appointed by the mayor will do --

22 Even though it's not good for the citizens,
23 he does what the mayor wants him to do, unlike
24 an elected official who answers to the public
25 every four years, the same way a mayor does who

1 answers every four years.

2 That elected official, whether it's the
3 sheriff, the tax collector, the mayor or a City
4 Council member, it's going to do what's in the
5 best interest of the public and the people that
6 elected him than what is in the best interest of
7 what, you know, the mayor says, this is what
8 you're going to do because you have to do it.

9 So those are the things I think you need to
10 look at. As a citizen, I'd rather have somebody
11 that's answerable to me every four years than
12 just have somebody appointed by a mayor.

13 And I'll be happy to answer any questions
14 on anything.

15 THE CHAIRMAN: Mr. Cuba, I understand your
16 argument that you and the mayor aren't always
17 acting in concert, but you've both come before
18 this commission and stated on the record that
19 our current structure of having an appointed
20 director of the fire department has endangered
21 public safety, that -- you both have said that.

22 Can you give me any example?

23 MR. CUBA: I didn't -- I didn't say
24 endanger public safety. At odds -- it puts the
25 public in positions at risk with -- it could be

1 in closing down fire stations that shouldn't be
2 closed down. There are about four or five fire
3 stations -- and you have to understand, these
4 are -- and my counterpart at the fire department
5 can give you a better idea of this because he's
6 had to deal with it.

7 And if you go to their web site, you'll see
8 where they were looking at closing down four or
9 five fire stations in the budget, that the
10 fire -- the people underneath in the fire
11 department were saying, "This is not good. We
12 shouldn't do this." But somewhere else up top
13 they were told, "This is the recommendations
14 you're going to make."

15 THE CHAIRMAN: So that is why the public is
16 endangered because some fire stations are slated
17 for closure?

18 MR. CUBA: Well, if it was the fire station
19 in your neighborhood, would you not feel that
20 now you're going to be in more danger because
21 you're going to have to wait that much longer to
22 get help to your home or for your family member
23 if they're having a heart attack to get the help
24 they need? Yes, that puts them in danger.

25 THE CHAIRMAN: My opinion is not what I'm

1 asking about. I'm asking what your evidence is
2 that an appointed system of public safety
3 officials endangers public safety.

4 MR. CUBA: That's part -- that's part of
5 the evidence, that's part of the politics that
6 go on behind the scenes, not only in
7 Jacksonville. It goes on throughout the state
8 of Florida when it comes to appointed chiefs or
9 appointed -- you know, police chiefs or fire
10 chiefs.

11 THE CHAIRMAN: And when you -- when you say
12 it's more difficult to get things done that are
13 in the best interests, under an appointed
14 system, I wonder whose interest do you have in
15 mind?

16 I would tell you that under consolidation,
17 as a philosophical model, as I understand it,
18 the City of Jacksonville is a corporate and
19 civic enterprise, a totality, and the mayor's
20 job is to work in the best interest of that
21 entire enterprise.

22 And so when you say an appointed system
23 makes it harder to get things done that are in
24 the best interest, is not the mayor responsible
25 for looking out for the best interests of all of

1 the city, not necessarily one department or
2 agency?

3 Do you disagree with that model?

4 MR. CUBA: No. I would say that the mayor
5 has the responsibility to the whole city, the
6 sheriff has a responsibility to the whole city
7 also, but when it comes to public safety and
8 keeping them safe. So that -- I think the
9 interests are going to be the same, you would
10 assume, and they should be able to work
11 together, and whatever they put forth is going
12 to help all the citizens of Jacksonville.

13 THE CHAIRMAN: Commissioner Oliveras.

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

15 Thank you for being here, Mr. Cuba. I have
16 a couple of questions for you that are not
17 directly related.

18 The first one -- I'm not sure if you were
19 here this morning when there was testimony about
20 the influence of the Fraternal Order of Police
21 in the political process.

22 The first question is, how would that be
23 any different, in your mind, to the teacher's
24 union, the firefighter's union, the other unions
25 that represent City workers and their

1 involvement or perhaps even the Jacksonville Bar
2 Association becoming involved in campaigns
3 locally or statewide?

4 Is there, in your mind, a difference? And
5 if there -- is that a good or a bad thing? And
6 then I have another related question for you.

7 MR. CUBA: Listen, whether you're in real
8 estate or you're at the trial bar, or whoever
9 you may be, you're a part of whatever effort --
10 lobbying effort to lobby political candidates or
11 politicians that are already elected for things
12 you need.

13 So it's not only done by the FOP or the
14 firefighters or the teachers, it's done by other
15 groups as a whole. That's why you have
16 lobbyists that have to sign up with the City
17 every year and declare themselves. So we're not
18 the only ones that are part of the process to
19 influence anything.

20 MR. OLIVERAS: Thank you.

21 And I know you're not directly a part of
22 the Police and Fire Pension Fund, but I've asked
23 Mr. Keane to be here and I haven't seen him yet
24 addressing our body, but as the Fraternal Order
25 of Police president, you're very much aware of

1 what's going on with the current situation with
2 the pension. The City Council has a Pension
3 Sustainability Committee they've empaneled.

4 Who's at fault here? And what are the
5 remedies? And what are the dangers of acting
6 too quickly on this?

7 MR. CUBA: Well, I'm assuming that's why
8 they have the Pension Sustainability Committee.

9 I don't know that -- if you're involved in
10 any way of this process, but, as you know, we
11 have negotiations going on, and that's part of
12 the collective bargaining process, to talk about
13 these issues.

14 And we could go look back in the past --
15 and you look at the state of Florida, who, just
16 like us, has a Florida Retirement System much
17 larger than our pension system, and they're at
18 90-plus percent funded.

19 When the times were good, they were funded
20 at 120-plus percent because during those good
21 days they continued to put into the pension
22 reserves.

23 What happened with the City of
24 Jacksonville, instead of leaving the dollars in
25 that pension reserves during the good times and

1 continuing to put the dollars there, they were
2 taking it out during the good times and now we
3 find ourselves in the position we're in. But
4 you see somebody like the State of Florida, who
5 did it the right way, they don't have those kind
6 of issues.

7 So I think the blame goes back to some of
8 the mistakes they made in the past, which they
9 can't make again because legislation has been
10 passed about a year and a half ago by Councilman
11 Joost. They can't do that anymore.

12 MR. OLIVERAS: Thank you.

13 THE CHAIRMAN: Vice Chair O'Brien.

14 MS. O'BRIEN: Thank you.

15 In regards to an elected versus an
16 appointed police chief or sheriff and the fact
17 of a strong mayor government, if that was the
18 case, part of your organization's efforts are to
19 endorse candidates. I believe that you-all
20 positively endorsed our current mayor and our
21 current sheriff.

22 If the sheriff was or the police chief was
23 an appointed position, because of the fact that
24 you have the ability to lobby -- and I certainly
25 do not think the word "lobby" is a bad word. I

1 think people need to know other groups' point of
2 view, and that's the only way that they're going
3 to know it.

4 Do you feel that you lose that ability to
5 express your point of opinion or your thoughts
6 and your -- and what's important to your
7 constituency because you do have, through a
8 strong mayor government, an elected body that
9 you are able to enact your political, you know,
10 issues and powers to be?

11 MR. CUBA: No. Like I said when I began,
12 all it does is add another level of bureaucracy
13 for us. It doesn't change anything we do. At
14 the end of the day, it doesn't change a thing.
15 We're going to continue to, you know, do what we
16 do to try to influence candidates or individuals
17 to see our way and why it should be that way.
18 That's what a lobbyist does, that's what a union
19 does. And you don't always agree, but you try
20 to come somewhere in the middle so you can make
21 it work.

22 So it doesn't change anything for us.
23 That's the point I was trying to make, except it
24 adds another level of bureaucracy to the City
25 and what we have to deal with. That's all.

1 THE CHAIRMAN: So, Mr. Cuba, do I take it,
2 then, that you would not oppose or object to the
3 creation of a metropolitan police department and
4 an appointed chief of police since nothing would
5 change?

6 MR. CUBA: Well, I mean, the change will be
7 another level of bureaucracy. I'm happy with
8 the current system. But if it's forced upon us,
9 there's nothing I can do about it. I think it's
10 left up to the citizens to make that decision
11 whether they think the form of government now
12 that they have as an elected sheriff is either
13 the best form or to go another way to add
14 another level of bureaucracy.

15 More cost, more individuals. I mean, you
16 think about it, now you're going to have more
17 appointments. Now you have a chief of police,
18 who has an assistant chief of police, who has
19 more majors, and --

20 So if you're willing to do and add all
21 that, then that's up to the citizens of
22 Jacksonville if they want to spend those kind of
23 dollars to do that. There's a cost involved
24 when you do these type of things.

25 THE CHAIRMAN: Well --

1 MR. CUBA: So I'm against it just on the
2 cost part of it because we don't have the
3 dollars to continue to do this. Let's fix
4 what -- the problems we think we have now. And
5 if the citizens are not happy with the sheriff
6 that we have in place, you move him out. If
7 you're not happy with the mayor, move him out.
8 If you're not happy with your councilman, move
9 him out. You can elect them out of office.

10 THE CHAIRMAN: Where would the extra cost
11 come in? There wouldn't -- there wouldn't be
12 duplication in law enforcement agencies. The
13 sheriff's purview would shrink considerably.
14 Essentially the number of personnel would
15 probably remain closely the same. Who they
16 reported to would change.

17 I don't see that there's an additional cost
18 in having a department head and additional
19 division heads. That's how the City is
20 structured now.

21 MR. CUBA: I don't think you can say that.
22 You may need to go look at the way it's done in
23 other cities. Indianapolis would be an example,
24 where they just went into consolidation and
25 consolidated the police department, the city

1 police department, as ours, and the sheriff's
2 department, and they have an elected sheriff.

3 And when they consolidated, that's when
4 they were able to eliminate positions, not when
5 you add a different police department. There is
6 no way that you can say that you will have no
7 additional cost if you're adding another level
8 of bureaucracy and appointed officials to a
9 department.

10 THE CHAIRMAN: But that's -- you made that
11 affirmative statement. I'm just wondering if
12 you have any evidence for that or that's your
13 opinion?

14 MR. CUBA: Well, I mean, I think common
15 sense is the evidence. And sometimes we forget
16 that common sense isn't always that common.

17 How do you add another level of bureaucracy
18 and believe you're going to save dollars?

19 The reason Indianapolis consolidated their
20 government just two or three years ago was to
21 save dollars. And they consolidated the police
22 department, the City and the County, and they
23 were able to eliminate some of those positions
24 due to the consolidation.

25 If you're talking about breaking it up,

1 you're going to add positions, not take away.
2 There's no way.

3 But maybe you'll find a better system than
4 we could come up with that -- or find a way to
5 take away instead of add.

6 THE CHAIRMAN: Commissioner Catlin.

7 MR. CATLIN: Through the Chair,
8 Commissioner Oliveras and I were talking this
9 morning about the fact that a local paper caught
10 one of our judges paying his parking ticket,
11 which was very noble of him.

12 Do you feel, Mr. Cuba, that appointed
13 versus elected -- if we had an appointed
14 sheriff, that that -- and in your conversations
15 with other FOP chiefs in the state of Florida,
16 that that would add more corruption possibly if
17 we were --

18 Thank the Lord we're blessed with an honest
19 mayor and an honest sheriff right now. If we
20 had a dishonest mayor, would that -- what you've
21 heard around the state, is there the potential
22 for more corruption in government with an
23 appointed sheriff?

24 MR. CUBA: Listen, any -- you have to
25 understand my background. I come from a

1 communist country. I believe in the people
2 having the right to have a voice and elect their
3 officials, so it will be hard to sell me on the
4 point of view that appointing somebody is much
5 better. It doesn't work in Cuba where Castro
6 appoints every person that's a part of
7 government, and I don't see it working in any
8 other state or any other country in the world.

9 I believe in letting the people decide if
10 that's the best person for the job.

11 So will it create more corruption? It all
12 depends on the individual. It does create -- I
13 see it every day with what goes on in other
14 cities when police chiefs believe that they have
15 to do things that they don't want to do because
16 the sheriff -- I mean, the mayor, who appointed
17 them, or a city manager -- and a lot of these
18 cities is appointments by a city manager -- is
19 saying, this is what I want you to do, even
20 though in their core -- they've been a police
21 officer 20-plus, 30 years, they know that's not
22 the right thing to do, but they have to do it
23 because that's the only way they're going to
24 keep their job.

25 And the facts are that most police

1 chiefs -- it's a -- you know, all they do is go
2 round and round from city to city. They last
3 between two, three -- and I think the average is
4 between three and three-and-a-half years.
5 That's a fact. You can get the numbers. IACP,
6 International Association of Police Chiefs, can
7 give you those numbers.

8 They rotate those chiefs three,
9 three-and-a-half years because politically at
10 some point they can't take it anymore and they
11 say, you know what, this is -- my core belief of
12 being a law enforcement officer does not go
13 along with what they want me to do anymore, and
14 they leave. They stop. They can't do it
15 anymore.

16 THE CHAIRMAN: Any other questions?

17 COMMISSION MEMBERS: (No response.)

18 THE CHAIRMAN: Thank you, Mr. Cuba.

19 MR. CUBA: Thank you.

20 THE CHAIRMAN: Any other public comment?

21 Mr. Nooney.

22 (Audience member approaches the podium.)

23 AUDIENCE MEMBER: John Nooney, 8356 Bascom
24 Road, Jacksonville, Florida 32216.

25 Dr. Hallett is absolutely right with the

1 Charter Revision Commission in that you have the
2 ability to make a recommendation, forward it to
3 the council, and then it will be up to the
4 council then to enact legislation to pass a
5 recommendation.

6 I'm here because I feel that the code of
7 ethics that was in the original charter, was
8 removed four years later in 1972 --

9 You heard testimony from Carla Miller. And
10 when she was here, held up a pamphlet, and
11 that's just a 16-page pamphlet with rules and
12 consequences. And since that's been removed, it
13 has just been an ethical downspin in this
14 community.

15 Yeah, I participated with this JCCI study,
16 and right here a recommendation. The public
17 trust in this community is just destroyed, and
18 you have the ability to bring that trust back,
19 and I hope that you will make a recommendation
20 to the City Council to reinstate that 16-page
21 pamphlet of the code of ethics.

22 Now, I have -- there are dozens of examples
23 that I can continue to share with you. And
24 here's the latest one, our own City Council
25 member. You know -- and this is John Meserve,

1 lie of the land, a state attorney's office
2 probed into Atlantic Beach Mayor John Meserve,
3 examines everything except whether he committed
4 perjury.

5 Assistant State Attorney Mike Weinstein
6 says a perjury probe isn't out of the question.
7 I wouldn't say we're pursuing it, but I wouldn't
8 say we wouldn't pursue it.

9 And, here again, when you put back the code
10 of ethics, include it to the independent
11 agencies.

12 You know, this is Vestcor. This was four
13 separate land deals. Not one, not two.

14 Okay. Have any of you just bought or sold
15 a piece of property and -- just the amount of
16 involvement? And then to think, oh, my
17 goodness. You know -- I mean, there's some real
18 problems here.

19 And let me share this with you. I was out
20 of town. I came in. I saw the City Council
21 meeting Tuesday night. You know, I come in. It
22 was just late, put on the TV, and the discussion
23 had to do with advertising on bus shelters. And
24 there was a dialogue between Councilman Jack
25 Webb, an attorney, John Crescimbeni, who was

1 asking a question, and the question was to the
2 Office of General Counsel, the representative.

3 And Councilman Webb said that, you know,
4 the Florida Bar has ethics. I wanted to scream
5 at the television and say, you know what? They
6 may have ethics, but we don't have ethics, and
7 we won't have it unless you put it back into the
8 charter.

9 Thank you for listening.

10 THE CHAIRMAN: Thank you, Mr. Nooney.

11 Commissioner Korman, do you have a question
12 for Mr. Nooney?

13 MS. KORMAN: No.

14 THE CHAIRMAN: Okay. Any other public
15 speakers?

16 Dr. Hallett, does your question -- okay.

17 (Dr. Hallett approaches the podium.)

18 DR. HALLETT: Just one quick point of
19 clarification after Mr. Cuba in reference to
20 Indianapolis vis-a-vis the expansion of the
21 bureaucracy.

22 Indianapolis did, indeed, consolidate and
23 they did eliminate positions in the sheriff's
24 office. They swept up positions from what was
25 then the sheriff's office, put them into the

1 metropolitan police department, and equated
2 almost line for line the lines that were in the
3 sheriff's office and moved them to the police
4 department.

5 The City of Jacksonville owns the police --
6 I mean, in that sense owns the police
7 department.

8 So this argument that it would somehow
9 expand bureaucracy, I don't necessarily buy
10 that.

11 Another thing, though, that distinguishes
12 us from Indianapolis is that they don't have the
13 pension situation that we do. Expanding JSO --
14 either way the contract has to be renegotiated,
15 it seems to me, because the current situation
16 can't be sustained fiscally forever.

17 So you're already going to have a
18 two-tiered bureaucracy anyway within JSO.
19 You're going to have a different set of
20 contracts for officers within and without, not
21 to mention the other community access and strong
22 mayor model issues that I raised in my
23 commentary.

24 Finally, I'm not saying eliminate the
25 elected sheriff. Still have an elected

1 sheriff. Okay?

2 THE CHAIRMAN: Thank you.

3 DR. HALLETT: Thank you.

4 THE CHAIRMAN: Commissioner Korman.

5 MS. KORMAN: Since -- and I apologize for
6 having excused myself, since we kind of went off
7 task when Mr. Cuba was up there.

8 Mayor Ritter wrote -- had an interview with
9 Jax Daily Record, and I read it. One of the
10 things he had in there -- and I don't know if
11 I'm allowed to ask it today because it's not
12 really part of our agenda, is about the City
13 Council and changing the size of it.

14 Do you want me to wait and ask him another
15 time?

16 THE CHAIRMAN: No. He's here now. We're
17 here. We have time.

18 MS. O'BRIEN: Mayor Ritter, can I ask you a
19 question?

20 You addressed in the Daily Record interview
21 about changing the size of the City Council. I
22 wanted to hear more about that.

23 (Mr. Ritter approaches the podium.)

24 MR. RITTER: Do you mind repeating the
25 question?

1 MS. KORMAN: Mr. Chairman, may I?

2 THE CHAIRMAN: Yes.

3 MS. KORMAN: In your Daily Record interview
4 in the newspaper maybe two weeks ago, you talked
5 about changing the size of the City Council and
6 making it smaller.

7 Can you elaborate on that for me?

8 MR. RITTER: Mr. Chair, is that okay?

9 THE CHAIRMAN: Please.

10 MR. RITTER: The -- I believe I started out
11 the interview about how it got to be 21 and then
12 19.

13 There were -- in the 1951 charter that was
14 passed by the voters in '49, the former City
15 Council had 18 members of the City Council. And
16 somewhere along the line, to the early '40s, had
17 five at-large members for 23.

18 Well, in order to get everyone together
19 under the scope of an efficient legislative body
20 of the City Council -- the City Council was
21 composed of nine members from 1951 to '67. You
22 lived in the ward, but you ran at-large so that
23 you couldn't create a fiefdom as a mini mayor.
24 That was nine councilmen.

25 Then the mayor and the city commission

1 was composed of a mayor commissioner who was
2 safety commissioner for the city commissioners,
3 which were the executive branch of government
4 modeled after the state government of five
5 elected cabinet officers. That gave 14.

6 Then the city -- county commission began to
7 raise -- hey, you're abolishing my job. So they
8 wanted -- they didn't have Government in the
9 Sunshine Laws by that -- at that time.

10 They said, all right, we'll make the
11 at-large members -- the county commissioners
12 would become the five at-large members making
13 19. As you recall, the only time it came to our
14 advantage was in the legislature last year when
15 they used a 15 cutoff. Very few cities have in
16 excess of 11 to 13.

17 My proposal would be -- and it would give
18 equal strength throughout the whole county, that
19 you have no more than 11 or 13. You live in the
20 ward, but you run at-large, hopefully staggered
21 terms so you will never have 11 or 13 all
22 elected at one time. '65, elected mayor, and so
23 forth.

24 That, to me, would give a more efficient
25 government in that you could trade off, then,

1 that maybe a council committee could serve just
2 as well as one of the 81 boards and commissions
3 which your council can't touch all the time.

4 It would give a true legislative body of 11
5 or 13 and eliminate term limits so that a
6 part-time public servant wouldn't be able to
7 draw a pension after eight years as they do
8 now. But go back to the old state law, that you
9 would then let them serve 20 years or until the
10 voters decide to get rid of you.

11 So that was my --

12 In order to create efficiency, allow that
13 representative to run -- so all the voters --
14 especially when it comes to zoning issues where
15 the councilman -- you wouldn't have to say, I am
16 the king of this district. You would all have
17 an equal vote in all zoning matters, and that is
18 the way most cities operate today in Florida.

19 MS. KORMAN: So -- Mr. Chair -- how many
20 would be at-large members in your new -- between
21 11 and 13, how many would be at-large?

22 MR. RITTER: All of them would be at-large.

23 MS. KORMAN: All of them?

24 MR. RITTER: All of them. Whereas the
25 people at the beach would elect a member, but he

1 would run for -- the people on the Northside
2 could vote on him too. Gives you more
3 candidates to select.

4 MS. KORMAN: And when -- from -- I can't
5 remember what the years were, but when we went
6 from 9 to 15, was there really a reason? I
7 mean, a logical reason we -- I mean, it sounds
8 kind of like ego --

9 MR. RITTER: Only to win enough votes to
10 put consolidation over.

11 MS. KORMAN: That's all? Okay.

12 So there's nothing -- beyond that,
13 there's --

14 MR. RITTER: Because you will find that
15 certain areas of the city did not support
16 consolidation. It was not all unanimous, but
17 it -- it appeared to everybody -- they made
18 extra concessions to Jacksonville Beach by
19 leaving them with their own government --
20 Atlantic Beach, Jacksonville Beach, Baldwin, and
21 Neptune Beach.

22 But it was a trade-off to try to increase
23 more participation at the polls when all the
24 news media had supported consolidation, the
25 television and newspapers.

1 THE CHAIRMAN: Commissioner Miller.

2 MS. MILLER: Through the Chair, this is a
3 question to the commission and to the Office of
4 General Counsel.

5 THE CHAIRMAN: Okay.

6 Thank you, Mr. Ritter.

7 MR. RITTER: Okay.

8 I'd like to leave one little comment.

9 THE CHAIRMAN: Yes.

10 MR. RITTER: In talking about the pension
11 system, talking about -- they hired the smartest
12 city treasurer that Jacksonville ever had,
13 Richard Cohee, to do their numbers. If the City
14 had kept him on as a professional, you might
15 have had a different story. They hired the
16 best.

17 Thank you.

18 THE CHAIRMAN: Thank you, Mayor Ritter.
19 Commissioner Miller.

20 MS. MILLER: Through the Chair, I -- thank
21 you, Mr. Chairman.

22 I have a question and I think it's probably
23 best directed to the Office of General Counsel,
24 but it is just something to consider.

25 As we decide on how we spend our time for

1 the next few months, we keep hearing that the
2 Florida Constitution limits or sets certain
3 requirements, if you will, for counties. And if
4 you read the combined memoranda from Mr. Rohan,
5 the one dated July 24th and the other memoranda
6 dated August 26th, you look at those
7 memoranda --

8 We'll go back to, say, the term limits
9 issue recently. And we have the 2002 decision
10 by the Florida Supreme Court regarding term
11 limits, and then we have a recent decision by
12 the General Counsel's Office, which, in essence,
13 would uphold this Cook versus City of
14 Jacksonville decision in that the -- that --
15 even though the citizens of Jacksonville voted
16 in 1992 by referendum to have term limits, the
17 Florida Supreme Court said no. And the General
18 Counsel's Office has recently said, you know,
19 that's -- that's correct.

20 So my question then is, wouldn't that --
21 wouldn't the same argument, then, apply to the
22 other requirements of the Florida constitution,
23 and that would be -- is there -- do we have to
24 have an elected supervisor of elections? Do we
25 have to have an elected property appraiser? Do

1 we have -- you know, what do we have to have
2 according to the Florida Constitution?

3 And if we are required to have certain
4 elected officers, including an elected sheriff,
5 is there any way under Florida law to change
6 that? Because I think we all thought that under
7 our form of government and the consolidation,
8 the various iterations it's gone through and the
9 charter through the Florida legislature, that we
10 had that authority.

11 And so I understand that it's not an answer
12 that we'll get today, but if we -- I'd like to
13 better understand what we actually can do in our
14 community or if it will take a referendum of the
15 voters of the state of Florida because our -- it
16 might guide us in our recommendations, it might
17 guide us in how we spend our time, but it really
18 might guide us in thinking about -- and advising
19 the City Council and the mayor on what we really
20 can tackle as a community.

21 So I'd like to ask the General Counsel's
22 Office to expand on the constitutional
23 requirements, limitations, if you will. And if
24 there's any way at all, any way at all, either
25 through an amendment to our charter or a

1 referendum by the state of -- if there's any way
2 at all to amend that to allow us to have
3 appointed -- to change any of those
4 constitutional provisions.

5 If I may, that's my first question.

6 The other question, which is -- might be
7 easier, to follow up on Commissioner Korman's
8 suggestion, I would like to hear from Mayor
9 Delaney, I would like to hear from Mayor
10 Peyton. I understand that they may be reluctant
11 to participate given their positions. But I
12 also would like to, if it's appropriate, hear
13 from Mayor Austin on these issues.

14 And, Mayor, you've been generous enough to
15 spend your time here and to share your opinion,
16 but you have relevant experience as -- from the
17 Office of General Counsel, state attorney, with
18 law enforcement, and as mayor.

19 So if it is appropriate -- I don't know if
20 it's appropriate for one of our members to be
21 sworn under oath and to talk to us under -- talk
22 to us about these issues --

23 MR. AUSTIN: I just can't talk right now.

24 MS. MILLER: -- at some point, or if
25 there's any prohibition on that. I don't know

1 that there would be.

2 But those are my -- those are my two
3 questions, and I have one observation.

4 In response to the comment that the
5 Florida -- the state of Florida got it right on
6 the pension system, we really need to -- I don't
7 think that's an accurate comparison, so we'll
8 want to look at that, if this commission goes
9 into that. You'll want to note that the state
10 of Florida -- the Florida Retirement System has
11 one set of benefits and it applies to everyone.

12 We have a very different and disparate set
13 of benefits with the fire and police receiving a
14 very, very high and rich benefit level at a very
15 early age.

16 So we need to look at what goes into the
17 cost of a pension. FRS, you know, they
18 invested, but they have one set of benefits and
19 it's drawn out. I mean, it's pretty
20 predictable.

21 And I think part of our -- I don't know
22 that there's one answer to who's at fault, but
23 when the City Council, under pressure, a little
24 political and elected pressure, constantly
25 changes the benefit structure by ordinance, that

1 has an impact on collective bargaining.

2 We may be getting into some, you know,
3 legal issues, but I think we've got to look
4 at -- we have to look at the big picture if the
5 commission decides to go down that road.

6 THE CHAIRMAN: Mr. Rohan, can you respond
7 to the first request?

8 MR. ROHAN: Specifically as to the first
9 request, we'll certainly address that.

10 I did want to comment, though, that there
11 is a distinction. As it applies to the
12 constitutional officers, the five constitutional
13 officers, it's my understanding that the
14 constitution itself requires that there be those
15 officers, but -- or it sets forth the officers,
16 but it doesn't state whether they're elected or
17 appointed.

18 Now, there's a separate issue as to the
19 school board, separate -- completely separate
20 and apart.

21 But as -- my understanding, there is no
22 impediment to changing the charter and
23 addressing the electability or appointability of
24 the other five constitutional officers, but we
25 will address that for the commission. We'll

1 prepare another memorandum for your benefit.

2 MS. MILLER: Thank you.

3 And, through the Chair, would you also
4 include in that the school board and how, if at
5 all, that can be changed?

6 MR. ROHAN: Yes, we will.

7 MS. MILLER: Thank you.

8 THE CHAIRMAN: Ironically, I had the same
9 conversation with him before the meeting
10 started, so I'm glad that the issue was raised
11 because I do think people are starting to ask
12 the question, is this a wise investment of our
13 time?

14 As I've said before, I think our job is to
15 dream big. We don't have to resolve the
16 details, but certainly I don't want it to be a
17 waste of time if there's no -- absolutely no
18 legal way to get there. So this would be a
19 directive to find any potential legal route,
20 please.

21 As I understand it, though, as I've heard
22 it articulated by General Counsel Mullaney and
23 Mr. Rinaman, the 1885 constitution was the
24 constitution that was amended to allow for the
25 potential for Duval to consolidate. When the

1 '68 constitution was adopted, the provisions of
2 that amendment of the '85 constitution survived,
3 and that would be the legal argument that allows
4 Duval County to do things that other counties
5 cannot do of local impact.

6 But our charter says we can legislate to
7 the extent that the Legislature can legislate.

8 MS. MILLER: I agree with you.

9 THE CHAIRMAN: Mr. Rohan.

10 MR. ROHAN: And, Mr. Chairman, if I can,
11 with regard to any legal argument -- it's a
12 great opportunity to remind everybody about what
13 happened in term limits.

14 In the term limits case, we had one circuit
15 judge that ruled that the term limits were
16 illegal. We had three First District Court of
17 Appeal judges that ruled that the term limits
18 were legal. So, at that point, the -- in terms
19 of the total number of judges, we were up three
20 to one, doing real well. Then it went to the
21 Supreme Court and the Supreme Court ruled four
22 to three that the term limits weren't legal.

23 So, all in all, we had six judges saying
24 that they were legal, five judges saying that
25 they were illegal. But because there was four

1 to three on the supreme court, we lost.

2 And what that says is that you just never
3 know when you go in front of the appellant
4 courts what's going to happen.

5 THE CHAIRMAN: That's why I got out of
6 litigation. Politics is much more certain.

7 Okay. Any other business?

8 Thank you, Commissioner Miller, for those
9 comments. I concur wholeheartedly with
10 everything you just said.

11 I do contend -- I would like -- it's
12 certainly on our issues list -- to look at
13 pensions. That was a high vote-getter when we
14 put together our issues list.

15 I have met with Mr. Keane and I've talked
16 to Mr. Cohee. I think we would be very much
17 enriched by hearing from their perspective as to
18 how we got here, but I think we also need to
19 talk about where we go from here.

20 And Commissioner Oliveras is in the queue.

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

22 I just want to reiterate my -- I'm very
23 anxious to hear from not just the Police and
24 Fire Pension Fund representatives, the general
25 employees, the corrections pension, and the City

1 officials as well, human resources.

2 This is a huge, huge issue, and I serve --
3 I'm about to go into my third term as an
4 advisory committee member on the Police and Fire
5 Pension Fund, and these are big, big issues.

6 At the risk of taking exception with my
7 fellow commissioner, Ms. Miller, there are just
8 over 1,900 current retirees in the Police and
9 Fire Pension Fund with an average retirement of
10 \$41,000 prior to paying their health care
11 insurance, which drops the average pension to
12 about \$30,000 a year. And nobody in the police
13 and fire pension system is eligible for Social
14 Security because the City opted out.

15 So I would not, myself, characterize that
16 as rich. And these people -- I think this week
17 we've had two or three firefighters injured in
18 fires. I think these benefits are
19 well-deserved.

20 There is a big problem. The City Council
21 has their Pension Sustainability Committee. I'd
22 like to hear from somebody on that committee,
23 one of the councilmen or perhaps the chairman of
24 that committee. I would like to see what
25 direction they're going in, what they're

1 identifying as solutions because we keep
2 hearing -- and this is --

3 It's valuable input from Professor Hallett
4 and others who have come before us talking about
5 these pension issues, but I want to make sure we
6 don't try to muddy the waters if someone else is
7 coming up with a good solution, and I think it's
8 also imperative that we get specific facts and
9 details from the people that know.

10 Mayor Ritter mentioned Dick Cohee, the
11 assistant administrator of the pension -- Police
12 and Fire Pension Fund. This guy, he is -- you
13 know, he is preeminent in his field, and this is
14 somebody we should hear from.

15 And I just think that as soon as we can
16 hear from these folks with these different
17 pensions from the City, we can have good
18 information, factual information. Not so much
19 anecdotal, more detail, more numbers so we can
20 look at where we are and where we need to go.

21 THE CHAIRMAN: Commission Oliveras, would
22 you send to Mr. Clements suggested speakers --

23 MR. OLIVERAS: Yes.

24 THE CHAIRMAN: -- from those entities that
25 you think might be -- I understand you want to

1 hear from Mr. Cohee, but the other --

2 MR. OLIVERAS: Certainly.

3 THE CHAIRMAN: -- the other issues you
4 addressed.

5 MR. OLIVERAS: Thank you.

6 THE CHAIRMAN: And I agree with you, we
7 don't want to muddy the waters, but neither do I
8 want us to stand back and just say, "not our
9 problem. Somebody else is already working on
10 it. We don't have any valuable input." But I
11 understand you're not saying that either.

12 Commissioner Youngblood.

13 MR. YOUNGBLOOD: I'm not sure who actually
14 provided the document, but maybe Commissioner
15 Eichner was the one. There was an e-mail that
16 went out regarding a list of all the appointed
17 officials versus elected officials throughout
18 the United States, county by county. Could we
19 get a copy of that?

20 I mean, I guess we could each print it out
21 individually, but I assumed there would have
22 been a copy today provided with the list of
23 those appointed versus elected.

24 I think it was very good information in
25 reading through it, which brings to mind, can we

1 hear from some individuals that have been
2 appointed and hear their difficulties that they
3 may or may not have just so we can truly hear
4 both sides?

5 We've heard a lot of information for the
6 idea of appointment over election, and I'd like
7 to hear from those who have been appointed and
8 some of their deficiencies and difficulties
9 they've had.

10 Have we heard from anyone yet? Have we
11 asked anyone to come?

12 THE CHAIRMAN: No. This is our first
13 meeting on constitutional officers, but
14 certainly we have plenty of time to hear from
15 other points of view. That's what I want us to
16 do. That's why I wanted us to start meeting
17 more frequently, to get -- to have more time to
18 get more perspective, so I will work on that.

19 MR. YOUNGBLOOD: Very good. Thank you.

20 THE CHAIRMAN: Commission Eichner.

21 MS. EICHNER: Thank you.

22 Through the Chair to Commission Youngblood,
23 that document that I -- that I think Jeff
24 e-mailed to everyone was a state by state
25 breakdown on who had appointed school boards and

1 who had elected school boards. So it wasn't
2 county by county, but I'd be interested in that
3 information too.

4 It was just something that I stumbled upon
5 after reading some of the information in the
6 OPPAGA report that Commissioner Miller was able
7 to provide to everybody, so . . .

8 THE CHAIRMAN: Any other points of
9 discussion?

10 COMMISSION MEMBERS: (No response.)

11 THE CHAIRMAN: Okay. Just as an FYI, our
12 next meeting is a week from today. A reminder,
13 that's off cycle. This will be our first
14 additional meeting, although Mr. Clements has
15 circulated the revised meeting schedule.

16 The topic will be moving the elections. At
17 the request of Councilman Webb and Councilman
18 Clark, they will come and talk to us about the
19 competing bills before council to move the City
20 elections from May of 2011 to either November of
21 2010 or November of 2011. There are two bills.
22 One proposes each of those alternatives.

23 We will also have Supervisor Holland here
24 to address that specific issue as the subject
25 matter expert on elections law for Duval County,

1 and that will be in the Lynwood Roberts room.

2 And if there are any other speakers that
3 the commissioners would like to suggest, address
4 us on that topic, please e-mail Mr. Clements
5 or --

6 Commissioner Korman.

7 MS. KORMAN: Question.

8 THE CHAIRMAN: Yes.

9 MS. KORMAN: The issue I've heard more and
10 more probably publicly than anything else, about
11 the -- changing the number of City Council
12 seats. Are we going to be able to address that
13 issue too? Probably work on -- I mean, I don't
14 have an opinion at this point.

15 THE CHAIRMAN: Next -- at our next meeting
16 or just at all?

17 MS. KORMAN: I don't know if that would
18 be -- because, I mean, I assume that the
19 election -- changes in the election would affect
20 City Council elections as far as being elected
21 or -- Teresa, you're shaking your head, so maybe
22 you know.

23 So I don't know if that's the right time or
24 another time.

25 THE CHAIRMAN: That might be too much on

1 the plate for the next meeting agenda, but it's
2 certainly an issue that I think we should look
3 at. And I've had some initial discussions about
4 potential speakers on that issue, so I do intend
5 for us to hear about it.

6 So, again, if there's anybody that you
7 think we should hear from at our next meeting,
8 please e-mail Mr. Clements who will let me know
9 and I can work on lining them up.

10 If there's no other business, we're
11 adjourned.

12 (The above proceedings were adjourned at
13 11:35 a.m.)

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C E R T I F I C A T E

STATE OF FLORIDA:

COUNTY OF DUVAL :

I, Diane M. Tropa, certify that I was authorized to and did stenographically report the foregoing proceedings and that the transcript is a true and complete record of my stenographic notes.

Dated this 20th day of October, 2009.

Diane M. Tropa