

A SUMMARY OF THE ECCSC UNIFICATION PLAN

I. Structure of Government: Mayor-Council Form

A. LEGISLATIVE BRANCH: Council, Council Secretary and Internal Auditor

1. **Nine Council Members:** Elected every 4 years from single member districts. Members must have resided in their district for at least 365 consecutive days prior to qualifying. Pay is the same as Escambia County School Board members. Retirement benefits are limited to a defined contribution plan.

2. **Powers of Council:** The Council has all legislative powers. Council may override any veto by the Mayor of any ordinance or resolution by six votes if not a budget item, by 5 votes if a budget item. It can also inquire into the conduct of any office, department, or officer of the Consolidated Government and investigate municipal affairs by subpoena of witnesses, compel production of evidence, etc.

3. **Restrictions on Council:** Council cannot dictate or interfere with the appointment or removal of any employee or appointed officer in the Executive Branch. Except for inquiry, a Council member cannot give orders to any Executive Branch employee.

4. **Office of Council Secretary:** This is the primary Council staff. Council may contract with the Clerk of Court to perform these functions.

5. **Office of Internal Audit:** The Internal Auditor is a CPA responsible to the Council for an annual internal audit of each component of the Consolidated Government. Shall examine and appraise the legal and professional soundness and adequacy of accounting systems, financial records and operating procedures. Council may contract with the Clerk of Court to perform these functions.

B. EXECUTIVE BRANCH: Mayor, Chief Administrative Officer and Gen'l Counsel

1. **Mayor:** Elected at-large for four year term. Limited to three (3) terms. Must be a resident of Escambia County for 365 consecutive days prior to qualifying. Paid ten percent (10%) more than the salary fixed by law for the highest paid county constitutional officer.

a. **Powers:** Chief executive officer. Responsible for the overall administration of the Consolidated Government. The Mayor appoints the Chief Administrative Officer and department heads, but these appointments are subject to confirmation by Council. May dismiss CAO or department heads with or without cause. Has well-defined and limited veto powers that are all subject to Council override.

b. **Duties:** The Mayor must cooperate fully with the Council, the Office of the Internal Auditor and the Office of Independent Budget Analyst by supplying requested information concerning the budget process and the fiscal condition of the government. The Mayor proposes an annual budget to the Council.

c. **Removal:** The Mayor can be removed as provided by the constitution, state law or by recall election. The Council President serves as Acting Mayor in Mayor's absence, incapacity or suspension.

2. **Chief Administrative Officer:** The professional administrator of the government. Appointed by the Mayor subject to Council confirmation. Must have professional training and executive and administrative ability necessary to do the job. Compensation fixed by the Council. Must reside in Escambia County. Cannot actively engage in any other business or occupation.

3. **Office of the General Counsel:** Provides legal services to the government and its independent agencies, except Council may have its own office of legislative counsel. To minimize intra-governmental litigation, the General Counsel's opinion shall be the final authority for resolving or interpreting legal issues to the entire Consolidated Government (unless overruled or modified by a court or Attorney General opinion). The Mayor selects the General Counsel from a list of three nominees presented by a selection committee. This selection is subject to consent of Council.

C. **CONSTITUTIONAL OFFICERS:** The sheriff, property appraiser, clerk of court, tax collector and supervisor of elections remain separately elected constitutional officers with the same powers, duties and functions as provided by state law.

D. **AUTHORITIES, BOARDS, COMMISSIONS AND AGENCIES:**

1. **Consolidated Utility Authority:** An independent authority of the Consolidated Government, the CUA succeeds the ECUA. It shall be the single government authority providing utility services, including water and sewer, natural gas and solid waste services. Separate municipal or community utilities will not be affected. All revenues above the CUA's net revenues return to the Consolidated Government. And, in exchange for receiving ESP, the CUA will pay all unfunded pension obligations of the City of Pensacola (presently about \$85,000,000).

a. **Governing Board:** The CUA board is essentially the same as the present ECUA board. Five non-partisan elected members from the same single member districts established for the School Board elections. Must be a CUA customer. Must reside in district for 365 days prior to qualifying. Paid the same as Escambia County School Board members, but with no pension, retirement or health care benefits.

2. **Economic Development Commission:** The Council must create this Commission by ordinance. The EDC will oversee and ensure creation of entities that will

foster the long term economic growth and stability of the area through public partnerships with educational institutions, private enterprise and the military.

3. **Agencies:** All agencies of the former government will continue and have the power, duties, obligations and responsibilities they had under the former governments. This includes the Pensacola DIB and CRA, the Escambia County AHC, CRA, HFA, Law Library, HFA, SWCD and SRIA. It also includes the EPHRC and PEPDC.

4. **Required Use of Centralized Services:** With specific exceptions, all authorities, boards and commissions, must utilize the centralized services of the Consolidated Government.

II. FINANCIAL ACCOUNTABILITY AND CONTROL

A. **Debt of Former Governments:** As mandated by the Florida Constitution, the bonded and pension debt service of the former governments "shall be provided from the same sources for which the debt service would have been paid had consolidation not taken place." For example, if the debt was paid from ad valorem taxes, the Consolidated Government will assess ad valorem taxes on the same property taxed prior to consolidation. The service of these debts cannot be expanded to others.

B. **Office of Independent Budget Analyst:** This wholly independent office is designed to assist the Council in the conduct of budget inquiries and in the making budgetary decisions. The Independent Budget Analyst is appointed by the Council and may be removed only with notice and good cause by a vote of no fewer than six (6) council members. The analyst must meet minimal educational requirements and have experience in municipal finance. Among his duties, the analyst must:

1. Provide a "formal, comprehensive review and analysis of the Mayor's proposed budget;
2. Provide comparative studies of other communities as they relate to municipal finance;
3. Do fiscal forecasting and planning (including means of financing long-range capital improvements);
4. Analyze the government's past, current and proposed revenues and expenditures;
5. Analyze federal, state and local programs to determine sources of funding and appropriate expenditure options;
6. Review the economic effects of proposed legislation; and,

7. Prepare fiscal and economic project analysis as directed by Council;

C. **Independent Audit:** An independent CPA must annually audit the entire Consolidated Government.

III. LAWS OF FORMER GOVERNMENTS: AMENDING THE PLAN; INITIATIVE

A. **Former Laws and Ordinances:** All special acts of the Florida Legislature relating to the former governments shall become ordinances of the Consolidated Government. And, all existing laws, ordinances, regulations and resolutions of the former governments remain in effect until acted upon. Any conflict is resolved by the Council.

B. **Charter Amendment:** The Consolidation Charter may be amended by citizen petition or by the charter review commission. The charter review commission first meets a year before the 2014 general election and every ten (10) years thereafter.

C. **Power of Initiative:** The people have the power to adopt or reject a proposed ordinance by initiative. However, this power does not extend to ordinances related to the annual budget, the levying of taxes or the setting of officers or employees salaries.

D. **Power of Referendum:** The people have the power to force the Council to reconsider any proposed ordinance and to force a special election on any such ordinance. This power has the same limits as the power of initiative.

IV. GENERAL AND URBAN SERVICE DISTRICTS

A. **General Service Districts:** There will be one, countywide general service district (GSD). Services in this area include services such as an airport, agricultural agent, courts, general fire and law enforcement services, EMS, health, library, recreation, parks, streets and highways, traffic engineering, and welfare services.

B. **Urban Service Districts:** The Council has the power to establish urban service districts (USDs) in areas containing a population of at least one thousand (1,000) people per square mile and may include adjacent areas with a population of at least five hundred (500) people per square mile if that area receives or needs additional services or levels of services that are beyond that provided in the GSD. The Council may expand or create a new USD by a vote of at least six (6) council members. The Council may contract or reduce the size of a USD by a simple majority vote to remove areas that do not need or receive additional levels of service. If necessary, the Council may create sub-districts within a USD and fund different levels of services within a USD by different rates of taxation.

In addition to the services provided in the GSD, the USDs include additional services such as enhanced fire and law enforcement, street lighting, street cleaning, and other municipal services.

C. **Ad Valorem Taxes:** In the GSD, the Consolidated Government may levy ad valorem taxes for county purposes as provided by the constitution. In the USD, the Consolidated Government may levy ad valorem taxes for municipal services.

D. **Duty to Lower Ad Valorem Taxes:** The Constitution does not permit the plan to place a cap on taxation. But, the plan does provide that "(w)henever possible, the Consolidated Government shall lower ad valorem taxes to reflect any new or unanticipated revenue sources to the extent permitted by the Constitution and laws of the State of Florida."

V. ELECTIONS

A. **Partisan:** Elections for all offices of the Consolidated Government shall be on a partisan basis except for members of the Consolidated Utility Authority.

B. **Reside in District:** To qualify to run, a candidate must have resided in the district for at least 365 days prior to qualifying.

C. **Recall:** The Mayor and members of the Council are subject to recall elections.

VI. EQUAL OPPORTUNITY: Section 13.03 of the plan provides:

"Under the Consolidated Government, there shall be equal opportunity in all employment, in the use of contractors and other service providers, in the use of volunteers, and in appointing citizens to committees, commissions and boards.

"The Mayor shall provide the Council a written annual report on the status of members of protected classes in employment and employment practices, expenditure of public funds through contractors and other service providers, allocation of public spending by district, and appointments to boards and commissions.

"The Council shall authorize and request a disparity study, to be performed by an independent consultant, at least once every six (6) years to monitor and evaluate the Consolidated Government's performance in promoting equal opportunity."

VI. PENSION PLANS AND PERSONNEL SYSTEM

A. **Pension Plans:** All retirement and pension plans of the former governments shall continue and the existing retirement benefits and rights of individuals employed by the former governments shall not be impaired.

B. **Personnel System:** All appointments and promotions of officers and employees of the Consolidated Government shall be made "solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence." (The Merit Principle). A Merit System Protection Board is established to ensure this principle is carried out by appropriate personnel policies that include provisions for classification

and pay plans, examinations, force reduction, removals, working conditions, in-service training, grievances and relationships with employee organizations.

VII. TRANSITIONAL POLICIES

A. **Election Dates:** Initial special elections will be held on July 12, 2011. The initial general election will be held on September 20, 2011. The new mayor and council will take office upon being duly elected.

B. **Establishing Districts:** The initial council districts will be established by a Joint Commission based on the 2010 Census Data. These districts must be consistent with the Voting Rights Act of 1972 and the Jenkins and McMillan cases. This means that, "if possible and practicable, a minimum of three (3) majority-minority districts of the nine (9) districts" must be established in order to avoid "voter dilution."

C. **Joint Commission:** Until the new Mayor and Council are elected and take office, the governing boards or councils of the former governments will meet jointly and act as a single governing board of the Consolidated Government.

D. **Budget:** The budgets of the former governments will be the initial budget of the Consolidated Government.

E. **Employee Protection:** All employees of the former governments will become employees of the Consolidated Government without any loss of salary or benefits that they had as of October 1, 2010.