



Frequently Asked Questions

Background

1. How did the Charter Review Commission (CRC) come into being?

The current charter was adopted in 1931 at a very different time when the city faced very different issues and challenges. The Pensacola City Council created the CRC in 2007, when the Council appointed a selection committee. This selection committee interviewed interested individuals and appointed the membership of the CRC.

2. How long was the CRC in existence, and what was its process?

- Commenced its activities in January 2008
- Facilitated meetings and activities by governmental and public affairs management consultants
- Met for 21 months
- Held 29 meetings. Each meeting publicly advertised under the Sunshine Law inviting the public to attend and speak
- Held two public hearings and invited public comments from anyone in attendance
- Heard from more than 100 citizens, subject matter experts, academicians, elected officials, community members and professionals
- Presented its report and recommendations to City Council in August 2009. Received questions from Council and presented its final report supplemented to respond to Council questions on September 3, 2009.
- Was discharged once the Council accepted its final report and is no longer in existence
- Recorded video and audiotapes and minutes that are available at www.cityofpensacola.com. Click on City Information tab then scroll to Charter Review Commission

3. How did the CRC arrive at the recommendations in its final report?

The CRC started with no agenda or pre-determined goals. It solicited wide-ranging testimony from subject matter experts, academicians, professionals and the general public. It studied 13 municipalities and interviewed officials from each. It held two public hearings as well as took testimony from any and all individuals who attended the 29 meetings and wished to address the CRC.

4. Why did the CRC vote to change the current form of government?

The CRC conducted an analysis of 13 city governments and consulted their officials where they identified best practices, sought advice from their city staff members and city officers, reviewed numerous City Charters, and studied the National Civic League Model City Charter.



The CRC sought and listened to subject matter experts, academicians, administrators, legal counsel, business leaders, and the general public for advice and recommendations and general philosophical commentary regarding how government should work effectively.

The CRC reviewed the current government and its functioning, including presentations by the then-Mayor and City Manager, John Fogg and Tom Bonfield respectively.

After 15 meetings and testimony from almost 100 speakers, the CRC extensively debated what would be the most effective form of government for Pensacola. The CRC voted 7 to 3 to change the form of government to the Mayor-Council form.

5. When is the charter effective, if it is approved by the voters on November 24, 2009?

The charter change becomes effective in January 2010. The Mayor and all Council members will be elected in the general election in November 2010. One half of the council members will run again in 2012 to implement the staggered terms. Those that hold the seats for 2 years will not be start the term limits time period until 2012. This is explained as “base years” in the charter.

Proposed Changes in Pensacola Charter: City Council

1. What, if any, are the changes in the composition of council?

None, the new charter retains the current council composition of 7 single member districts and 2 At Large members. The only change is that the Mayor is no longer a member of Council and does not have a Council vote. This form continues to preserve community representation and citizen input.

2. What is the role of City Council with new charter?

- Council’s role remains much the same as it does with the current charter
- Council remains the legislative body passing all ordinances and resolutions, and the Mayor does not have a vote
- Control’s the city’s purse strings
- Council votes to approve or disapprove the Mayor’s proposed budget and any action
- Council can vote to override Mayor’s veto with 6 votes
- Council approves or disapproves the hiring of the City Attorney, City Clerk and all Department heads proposed by the Mayor

Council approves or disapproves Mayor’s termination of City Attorney and City Clerk if the Mayor proposes termination.



Proposed Changes in Pensacola Charter:- Election Terms and Term Limits

1. What are the changes in term of office?

The Mayor and the Council members will each serve a four-year term. The Council members will be elected for staggered terms to help ensure legislative continuity and continuity of knowledge. Currently all Council members are up for election every two years and they do not have staggered terms.

2. When is the election for the new Mayor and Council members?

The Mayor and all of the Council members will be elected in the November 2010 general election.

3. How are the Council terms staggered?

One half of the council members elected in 2010 will have to run again in 2012 in order to effectuate the staggered terms. Those that hold the seats for 2 years will not start their term limits time period until 2012. This is explained as "base years" in the charter.

4. What are the term limits?

Initially the CRC voted for no term limit, but after much citizen input requesting term limits, the CRC decided to include term limits. The Mayor and the Council members may hold office for a maximum of three consecutive full terms (12 years), which commences with their 2010 election except for those Council members that hold the seats for 2 years, who will start their term limits time period in 2012.

5. How was the 3 consecutive terms (12 year) term limit selected?

The CRC felt that three full consecutive terms (12 years) was sufficient for anyone to achieve their agenda, and if they could not in that term they should step aside and allow someone else to try.

Whether the elected official succeeds or does not succeed in reaching their goals, the vacancy created by term limits allows new candidates to seek election to office without the disadvantage and often burdensome expense of overcoming the power and fund raising ability of a 12-year incumbent.



Proposed Changes in Pensacola Charter: Change From Council-Manager to Mayor-Council

1. How will the Mayor-Council form of government be better for Pensacola?

- Current Council/Manager form is managing the city by committee as it takes 6 votes to do anything. No clear accountability exists and each member can point fingers at each other for the lack of success. And, the current CEO is an appointed City Manager not directly accountable to the voters.
- Mayor-Council form runs like successful businesses with strong leader selected for their vision and their ability to execute that vision.
- Greater accountability. Citizens have more power because they know who to blame.
- An executive, elected mayor and an elected City Council will offer true checks and balances, giving greater transparency, oversight, citizen involvement and accountability.
- There is increased focus on the budget and budget control.
- Greater focus given to working with the groups that are charged with business development, company retention and job creation/retention.
- Improved ability to plan and implement inclusive, strategic and problem solving initiatives.
- More ability to focus on improving education and reducing poverty and illiteracy.
- Enhanced ability to take decisive action and organize governmental functions so they support a focused vision
- A Mayor who works full-time and exclusively for the city is devoted to the city with no outside interests.
- The City Manager is appointed by Council and is not accountable to the citizens since the post is not elected. It takes 6 Council votes to fire a City Manager and none have ever been fired.

2. Is Mayor a full-time official?

Yes, the Mayor is elected as the City's full-time Chief Executive Officer (CEO) and will no longer be a member of City Council or have a Council vote.

3. What will be the Mayor's principal responsibilities?

- Chief Executive Officer of the city
- Provide and implement a strategic vision
- Manage the executive and administrative functions of the City with direct accountability to the citizens through his or her election
- Lead city's effort in business development, corporate recruitment/retention and job retention/creation
- Provide greater accountability and transparency



- Supervise the Chief Administrative Officer (CAO), who is responsible for managing the day-to-day business operation of the city
- Most of the Mayor's powers are the same as the powers of the current City Manager

4. What are the checks and balances between the City Council and the Mayor?

- Mayor is the executive body
- City Council is the legislative body, and the Mayor does not have a vote
- Mayor proposes agenda, budget and programmatic action and Council must approve
- Mayor can veto Council action and has line item veto in the budget
- Council can override Mayor's veto with 6 votes
- Mayor must have Council approval to hire all department heads, the City Clerk and the City Attorney
- Mayor must have Council approval to fire City Clerk and City Attorney
- Many of the Mayor's powers are the same as the powers of the current City Manager

5. Can the Mayor fire department heads and employees without the approval of Council?

Yes, the Mayor will have the same power as does the current City Manager to fire department heads and employees without Council approval. However, it is subject to civil service regulation as well as State and Federal law. The exception being that under the new charter the firing of the City Attorney and City Clerk must be approved by Council.

6. Who runs the day-to-day business of the City?

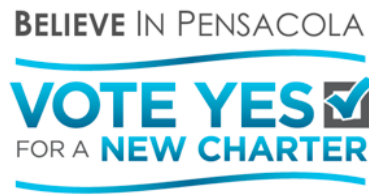
The Mayor will select a Chief Administrative Officer (CAO) with relevant governmental or private industry management experience who will run the day-to-day business of the City as the chief operating officer and to whom the department heads will report.

7. How can you ensure that the CAO and department heads are qualified and not just political appointees?

The charter provides that the CAO must have "relevant management experience," which is either governmental or private industry experience. This allows for the hiring of a strong business leader with private industry management experience. Further, the Council must approve the hiring of all department heads, the City Clerk and the City Attorney. There are no qualifications for department heads, City Attorney or City Clerk in the current 1931 charter.

8. Will the Mayor be governed by the Sunshine Law?

Yes, the Mayor is subject to Sunshine Law. He or she cannot act as a conduit of information or a liaison between Council members. The Mayor cannot meet with more than one Council member on matters that may come before the Council. Because he or she does not have a vote, the Mayor will have the ability to meet one on one with Council members, as does the current



City Manager under the Council/Manager form of government.

The Sunshine Law will apply in one-on-one meetings if the Mayor or the City Council member has been delegated the authority to act on behalf of the City Council. Furthermore, where City Council action is required on a matter, the matter must be fully discussed in public at a duly noticed meeting, thus affording citizens access to the decision-making process with an opportunity for meaningful input.

Under both the current and proposed charter all written/e-mail communication are still subject to public records.

9. Will the Mayor be able to make side deals and back room deals?

As part of the checks and balances, all deals must be approved by the City Council.

10. How do we get rid of a bad Mayor?

You can vote them out at the next election or through a recall ballot, a provision created by the new charter.

11. Can the Mayor move forward with special projects without the approval of Council?

No, all projects must be in the budget and approved by Council.

12. Will my vote to change government be diluted with an executive Mayor?

No, the very election of an executive Mayor, who replaces the appointed city manager, gives the voters more voice in the city government. Under the current charter the voter cannot change the direction of city government. Voters only elect 4 of 10 council members, including the figurehead Mayor. Four of 10 votes cannot change anything, including voting to change the City Manager (the city's current chief executive). Under the proposed charter, the voter elects three council members and also elects the head of the executive branch, the executive Mayor. The executive Mayor runs on a platform and will go before the voters and defend their record, something that no city manager is required to do.

13. Will the executive Mayor form of government lead to more corruption and cronyism?

The new charter provides many formal checks and balances that City Council has over the executive Mayor, including some that provide greater control than the current Council has over the City Manager, to help ensure that there is no corruption or cronyism. (See Question 4. above asking about Checks and Balances.) Further, government is very transparent today with the Sunshine law, Freedom of Information Act and aggressive media.



14. Do we lose professional management with an executive Mayor form of government?

No, the Council/Manager form evolved long ago as a reform to mayors who had too much “unchecked” power. The City Council under the new charter has many checks and balances on the Mayor’s powers including passing all laws and resolutions, controlling the city’s purse strings, being able to override a Mayoral veto, and approving the Mayor’s appointments of all department heads, the City Attorney and the City Clerk, as well as approving the firing of the City Clerk and City Attorney. The daily business of the city will be run by a Chief Administrative Office with relevant governmental and/or private industry management experience.

15. Will Mike Wiggins automatically be the “Strong Mayor”?

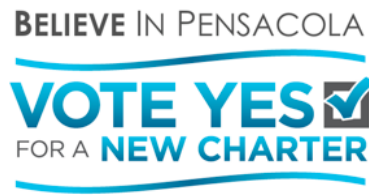
No, not unless he is elected to that position in 2010. The charter change becomes effective in January 2010. The executive Mayor and all Council members must earn election in the November 2010 general election.

16. What happens if the Mayor resigns or dies creating a vacancy?

The president of the City Council will serve as the acting Mayor for up to 30 days, and within that time the council must appoint a Mayor. The Mayor must be voted on by the electorate, if the remaining term is more than 28 months.

17. Does the Mayor have a veto on Council actions?

Yes, the Mayor does have a veto on Council actions and a line item veto on budget items, however, the Council may override the Mayor’s veto with 6 votes.



Proposed Changes in Pensacola Charter: General

1. How is compensation set for the new Mayor and Council?

The compensation of the new Mayor and Council would continue to be set by city ordinance as it is under the current charter.

2. What is the change for the number of petition signatures needed by a city resident to bring forward a voter ballot initiative?

The CRC used the current National Civic League Model City Charter document as a tool, which has a range of suggested percentages of between 5% and 10%. The CRC reduced the percentage to 10% from the current 15%, after a number of citizens at a public hearing requested that it be lowered.

- The new charter prohibits any initiative on budgets, compensation or taxes.
- The City's expert, Marilyn Crotty, Director of the Florida Institute of Government, recommended that it be lowered within the 5% to 10% range recommended in the Model City Charter.
- The 10% is above the current statewide standard of 6% of registered voters.

3. Does the new charter provide for a Recall provision for the executive Mayor?

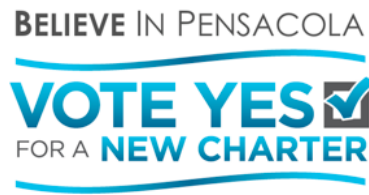
Yes, the new charter provides for the citizens to have the recall of the Mayor placed on the ballot with a petition of 10% of the registered voters. The CRC wanted the executive Mayor to be subject to the same state statute on recall of "elected officials" as the Council members by stating that the Mayor is an elected official. This is the same language that both Hialeah and Tampa utilize so that the statutory recall provisions for members of a governing body of a municipality encompass the Mayor as well.

4. Will the charter change dilute the minority vote?

The current council has 10 members: 9 Council members and an at-large elected Mayor. Currently, there are 3 minority council members out of 10 and that will become 3 of 9 under the new charter. Two council members are from majority minority districts and one from a district with 46% minority. These will be the same districts under the new charter and until the 2010 census when there will be a redistricting, which occurs every 10 years for all state, federal and local districts.

5. Are there any requirements for department heads to live in Pensacola?

There are no residency requirements for department heads, City Clerk, City Attorney, or Chief Administrative Officer. This would allow the selection of the best people in the area to serve in the city administration. The Mayor, however, could require that some or all of the department



heads be city residents. The current City Manager does not reside in and is not required to reside in Pensacola.

6. Are the Mayor and Council members required to be Pensacola residents?

Yes, the Mayor and Council members are required to be Pensacola residents.

7. Will there be continuing charter review?

Yes, it will be reviewed at least every 10 years by a Charter Review Commission, which will be appointed by the City Council. This provision in the proposed charter insures that it will not be another 78 years before our City's Charter is reviewed.

8. Will City Council continue to redistrict City Council District lines as provided in current charter?

No, the new charter provides for an independent citizen committee appointed by the Council and comprised of members from the Council districts that will be responsible for any city redistricting. Any person employed by the City or appointed to a city position or board shall not be appointed.

9. What is the difference between the Pensacola charter change and governmental consolidation?

The charter vote is for the City of Pensacola only, which will be voted on in November 2009. Consolidation is a totally separate effort to combine either the governmental functions or the governments of the county, Pensacola and Century. It is estimated that the consolidation vote will come before the Escambia County in the fall of 2010.

10. Will the city elections continue to be non-partisan?

Yes, the new charter preserves non-partisan elections.



Proposed Changes in Pensacola Charter: The Election

1. How is the election being held?

City Council voted to hold a mail ballot election. Pensacola citizens registered to vote as of October 26, 2009, will receive a mailed ballot. Ballots are to be marked Yes or No and mailed in the postage paid envelope to the Escambia County Supervisors of Elections by 7:00 PM on November 24, 2009, at either P.O. Box 12601, Pensacola, FL 32591-2601 or returned to the Elections Office at 213 Palafox Place, 2nd floor.

2. Is the City of Pensacola providing an informational document explaining the proposed charter changes?

Yes, the City will be mailing an informational document to each registered voter.

3. Where can I find a sample ballot?

A sample ballot and a two-page "Frequently Asked Questions" document on the mail ballot election are available at www.escambiavotes.com. Below is a copy of the sample ballot.

REFERENDUM

CITY OF PENSACOLA

CHARTER REPLACEMENT QUESTION

Shall the City of Pensacola replace its current Charter with a completely revised Charter providing for:

- A Mayor-Council form of government, replacing a Council-Manager form of government;
- A nine-member Council with two at-large seats and seven district seats;
- Four-year staggered terms of office instead of two-year terms of office;
- Term limits of three consecutive terms;
- Recall, initiative and referendum, as described in Ordinance No. 35-09?

_____ YES for Approval

_____ NO for Rejection