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NICHOLAS THOMAS
CLERK OF CIRCUIT COURT
GADSDEN COUNTY FLA

IN THE CIRCUIT COURT OF
THE SECOND JUDICIAL
CIRCUIT IN AND FOR
GADSDEN COUNTY FLORIDA

GRAND JURY, FALL TERM
2021

IN RE: THE QUINCY CITY COMMISSION PAY INCREASES

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF
FLORIDA

PRESENTMENT

THIS MATTER came before the Grand Jury on November 9, 2021, December 14, 2021, and March 1, 2022 to review the facts and circumstances surrounding the pay increases the Quincy City Commission gave themselves in September of 2021. In late September, 2021, commissioners voted 3-2 to increase their salary from \$16,700 to \$37,000 per year as part of their 2022 budget. This pay raise amounts to about a 122% increase for the commissioners. The matter received significant local media attention and drew the ire of many citizens in Gadsden County. This inquiry was initiated by your Grand Jury and your Grand Jury voted in favor of investigating the matter. We asked State Attorney Jack Campbell to investigate the matter and present the facts and circumstances surrounding this pay increase for our review.

We have now reviewed the facts as established through the investigation, the witness testimony, and the applicable law. We have heard testimony from the following: Now former City Manager Jack McLean; Quincy City Commissioner Angela Sapp; Quincy City Commissioner Frieda Bass-Prieto; Quincy City Commissioner Keith Dowdell; Quincy City Clerk Janice Shackelford; FLDE Agent Rob Giddens who investigated this matter at our request (as well as some adjacent matters that arose during our inquiry); and retired DCA Judge James Wolf, adjunct professor of local government law at Florida State University College of Law and former General Counsel for the League of Cities, whom we consider to be an expert on city government. We have reviewed the Charter of the City of Quincy, the salaries of all city commissioners statewide, and other materials.

We find as follows:

FACTUAL FINDINGS PRESENTED

According to their website, the mission of the Quincy City Commission is “to carry out the responsibilities given to cities by state law, and to improve the safety, health, prosperity, and general welfare of the residents of the City of Quincy.” The City has a budget of over 34 million dollars. The fiscal year runs from October 1st through September 30th. The

city manager or mayor can call a meeting of the Quincy City Commission; or three or more commissioners can get together to call a meeting. Florida Statutes Section 119 requires that all meetings between two or more commissioners be done in the sunshine.

On September 28, 2021 the Quincy City Commission met. All five commissioners were in attendance. At this meeting, the commissioners voted 3-2 to pass the pay increases in question. The votes were as follows: Commissioner Angela Sapp – Nay; Commissioner Frieda Bass-Prieto – Nay; Commissioner Keith Dowdell – Yea; Mayor Ronte Harris – Yea; and Commissioner Anessa Canidate - Yea. By this vote, the Commissioners increased their own salaries from \$16,000 to 37,000 annually which was an approximate 122% pay increase. These pay increases went into effect January 1, 2022.

The city of Quincy has approximately 7,800 residents. The average population of municipalities statewide is 26,130. The average salary for commissioners across the state is \$9,694 (over \$27,000 less than what our commissioners are making). The median pay for commissioners statewide is \$6,000 (approximately \$31,000 under what our commissioners are making). In comparing the salaries of commissioners statewide, the city of Quincy now ranks 13th amongst 411 municipalities;

falling between Pompano Beach which has a population of approximately 112,000 (over 100,000 more than Quincy) and Port St. Lucie with a population of approximately 191,000 (over 180,000 more than Quincy). In reviewing the salaries of commissioners in cities with populations between 5,000 and 10,000; commission salaries range from no salary to \$42,000. Pembroke Pines has the highest comparable salaries; but that city has approximately six times Quincy's budget at 220 million dollars compared to our budget of approximately 34 million dollars. It should further be noted that eight municipalities in Florida pay their commissioners \$1 annually, and over fifty do not pay their commissioners at all. Looking at areas close to Quincy geographically, all are significantly below our current salaries with Chattahoochee paying their commissioners \$3600 annually; Greensboro paying nothing; Gretna paying \$11,330; and Midway paying \$8,400.

At one of our sessions on this subject, an allegation was made by then Quincy City Manager Jack McLean that two of the city commissioners violated the Sunshine Law requirements by conducting two secret meetings prior to the vote on September 28, 2021 to discuss the pay raises in question. McLean testified that he, Mayor Pro-Tem Keith Dowdell and Mayor Ronte Harris met at Cracker Barrel in the summer of

2021 where the raises were discussed. McLean also testified that the salary raises were discussed for a second time on August 1, 2021. On this occasion, McLean alleges that he and Mayor Pro-Tem Keith Dowdell and Mayor Ronte Harris met up at Representative Val Demmings' meet-and-greet campaign event followed by the three of them driving around town to view potential city development properties. Mclean alleges the raises in question were discussed on this occasion as well.

FDLE Agent Giddens investigated these allegations. The investigation included interviews of McLean, Dowdell and Harris. McLean was not able to provide any further detail as to when the Cracker Barrel meeting occurred or what specifically was discussed. Similarly, McLean was not able to provide any details as to what was discussed on the August 1 event. While Dowdell and Harris admitted these meetings occurred, both men deny that the raises were discussed on either occasion. It should be noted that the FDLE investigation also included inspection of the cell phone communications between these parties and no additional information could be obtained from the cell phones other than confirmation that there were phone communications between the parties in question.

Subsequent to our grand jury session, McLean made several additional allegations against Mayor Pro-Tem Keith Dowdell and Mayor Ronte Harris. Also subsequent to our session, Jack McLean's contract as city manager was terminated. The allegations made by McLean were investigated by FDLE and were either determined to be unfounded or devoid of evidence to corroborate the allegations. Additionally, allegations were made by the city commissioners against McLean. These allegations could also not be substantiated by evidence.

The Law

Per Florida Statutes Section 286.011:

“(1)All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings...”

(3)(b) Any person who is a member of a board or commission or of any state agency or authority of any county, municipal corporation, or political subdivision who knowingly violates the provisions of this section by attending a meeting not held in accordance with the provisions hereof is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.”

Hence, all meetings between two or more commissioners are required to take place “in the sunshine,” and to have such a meeting outside the sunshine is to commit a crime.

“Home rule” is like the municipal version of federalism. It refers to a city or county’s ability to exercise governmental power without the state legislature first granting approval. Typically, home rule cities and counties have the ability to exercise their powers for any “municipal purpose.”

Basically, without home rule, cities and counties would have to ask state governments for permission every time they wanted to legislate. With home rule, they can do this on their own, but the state can still overrule local governments (much like the federal government can overrule states). In Florida, a local government generally must have a charter to obtain home rule powers. Local governments with charters can alter their organizational structure and powers to fit whatever the community needs. Florida has 20 counties with home rule charters. These “charter counties” can do as they wish so long as it does not conflict with state law.

The Quincy City Charter confers home rule powers. Hence, the Quincy City Commission can exercise any power and perform any function that is not specifically prohibited by state or federal statutes. The

purpose of home rule is to allow for local solutions to our local issues and problems. The Quincy City Charter is silent on the issue of how raises for commissioners can be given.

Florida Statutes Section 166.031 lays out the methods by which a city charter can be amended. There are two ways to get a charter amendment on the ballot for the next election. The first is by a majority vote by the city commission to get the charter amendment on the ballot. The second is by a petition signed by 10% of the registered electors to get the amended charter with the selected changes onto the ballot for the next election.

CONCLUSION AND RECOMMENDATIONS

Your Grand Jury finds that there is insufficient evidence to proceed on any criminal allegations regarding meetings occurring in violation of the Sunshine laws. Based on the testimony presented, we are deeply concerned about this alleged practice and expect that our commissioners will review these laws and proceed with the integrity we expect from our elected officials.

Your Grand Jury finds that the city commission salaries passed on September 28, 2021 are inconsistent with both the mission of the Quincy

City Commission and with the salaries of commissioners in comparable municipalities. We find that the current Quincy City Commissioner salaries are disproportionately higher than those of similarly situated municipalities around the state. Thus, we find that the payment of these exorbitant salaries runs contrary to the goal of increasing the prosperity of the City of Quincy.

Since the Quincy City Charter is silent on the issue of how raises for commissioners can be given, the raises in question, while unjustified and wrong, were done legally. Your Grand Jury seeks to both address the current salaries and to prevent this problem from recurring in the future. As such, we recommend the adoption of a charter amendment that recommends a return to the prior salary with no more than a 2% increase, and which adopts one or more of the following options to prevent a recurrence of this problem going forward.

The options for such a change(s) are listed below:

- I. Procedural Changes Regarding the Manner in which Raises are Adopted:
 - a. Raise not effective until council person is elected for a new term.

- b. Raise not effective until voters vote on the raise.
 - c. Require additional public hearings or additional notice to the public.
 - d. Must do salary survey of similar size cities prior to adoption.
- II. Substantive Changes to Limit the Amount of Salary or Raise:
- a. No increase greater than consumer price index.
 - b. No increase greater than amount of raise managerial positions receive.
 - c. No increase greater than amount received by general employees.
 - d. No increase greater than a certain percentage.
 - e. Percentage of County Commissioner's salary (which is set by the legislature).
 - f. Increase tied to population growth.

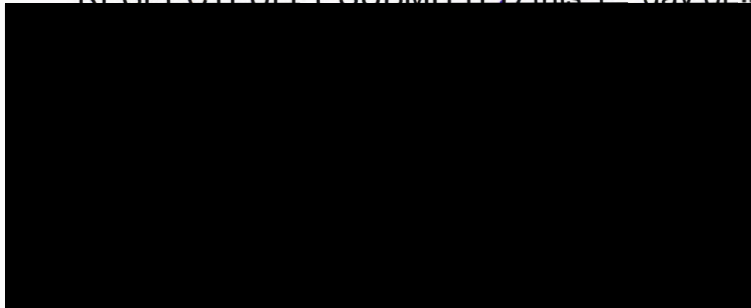
Your Grand Jury is hesitant to proclaim which of the above options is the best one, but we feel strongly that we as a community must act to address this issue. The City Commissioners who voted for the pay raise abused the power and responsibility afforded them by our current city charter. The action of these Commissioners in adopting the pay increase demonstrates a self-interest which is in direct conflict with their duty to

serve this community as our representatives. We know the amendments we are recommending will rectify this wrong and ensure that these types of transgressions are unable to be repeated in the future.

THEREFORE, with a quorum present and twelve or more in we find this presentment.

Your Grand Jurors say nothing further in these premises.

RESPECTFULLY SUBMITTED this 1st day of March, 2022.



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