

## **City Commissioners: Who are they serving?**

**Monday, November 30, 2009**

City Commissioners are elected to be public servants and we give them our public trust to represent our community interest. Thanks to the previous actions of our commissioners, however, many citizens are now questioning whether our City Commissioners are serving themselves instead.

On April 13<sup>th</sup>, 2005, with a simple 4-1 vote, our City Commissions increased their annual compensation for this part time job, from approximately \$36,000 to \$58,000. This despite the fact that the City Charter limits the annual salary for City Commissioners to \$36,000 (or half of what County Commissioners make). Commissioner Mustian was the lone vote against this additional compensation; however he has continued to accept the money along with the other City Commissioners.

City Attorney Jim English assured the Commissioners that the additional \$22,000 was deferred compensation not a salary benefit. However, deferred compensation is defined as a portion of an employee's salary set aside (or deferred) from a base salary and invested in a retirement plan. This additional money cannot be deferred compensation because it was not "deferred" from the \$36,000 base salary. Jim English's objectivity is in question since he is also a recipient of this "deferred comp". In addition, since Mr. English serves at the pleasure of the City Commission, he might find it difficult to tell Commissioners that they have violated City Charter and must return the \$470,734 illegally taken from the City.

Florida law would also seem to dispute the assurances offered by City Attorney, Jim English. Section 112, 215 (3) Florida Statue makes it clear that the amount paid annually to each Commissioner under deferred compensation plan must be included as part of the annual salary. Specifically, the base salary of \$36,000 remained constant. The \$22,000 was not deferred from the base salary of \$36,000. The \$22,000 is additional income, not deferred income, and thus violates the City Charter.

As further evidence, a recent review of the retirement benefit calculation of ex City Commissioner Allan Katz's retirement benefit revealed that the \$22,000 "deferred comp" is being treated as salary—based on an income of \$58,000 rather than \$36,000.

To date, this single vote has resulted in our Commissioners pocketing approximately \$470,734 and with interest, a total of approximately \$550,000 has been, I believe, illegally taken. This at a time when our own property taxes have been increased, law enforcement jobs have been threatened, and other fees ratcheted up because, we were told, the city's reserve fund had been spent down so much.

After presenting this information at the last city commission meeting, Mayor Marks said if I could prove that taking this \$22,000 was illegal he would return the money. I guess he plans to keep the money even if the public believes the commission's action was wrongful, unethical, offensively self serving and a breach of the public trust—but legal.

The deferred compensation vote must be rescinded by this commission. All funds paid to date, plus interest, must be returned to the public and a commissioners retirement income should be based on a salary of \$36,000. Citizens of Tallahassee must demand more from individuals who seek a leadership position in our community.

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the news on **OUR** Campaign for City Commission Seat 5.

Also, please view this link, <http://www.youtube.com/watch?v=EQjVFBWFJ6M>, which will show my presentation before the City Commission regarding deferred compensation.

Political Advertisement paid and approved by Erwin Jackson, Non Partisan, for Tallahassee City Commissioner Seat Five.