

From: Pam Childers (COC)
Sent: Friday, June 17, 2022 1:09 PM
To: COC AllEmployees
Subject: BCC vs Clerk today 2pm

Good Afternoon –

I would like to provide some context as to what has been happening in our community since June 2021 and why I, as the Clerk & Comptroller, am involved in a lawsuit with our Board of County Commissioners.

In a BCC meeting on June 3, 2021, Commissioner Steven Barry District 5 (North end) brought a proposal to the Board of a “settlement” to get back pay for a retirement plan that they were not enrolled in and felt that they were wronged by County HR who did not tell them of their options. Commissioner Barry enrolled in FRS as most do. Commissioner Bender, however, elected the 401a ICMA option when he got elected. In April 2021 Cmr. Barry worked with the County Attorney to present a case to the Commission on Ethics to get a favorable ruling that they could in fact vote for themselves to get a “settlement” (this assumes the settlement is legal). This settlement was about \$240,000 to Cmr. Barry and Cmr. May and they wanted it deposited to their personal checking account. In listening to this proposal on June 3, 2021, I realized that this was a scheme to get taxpayer dollars and it went against statutes (obviously there is a longer string of facts but I’m trying to give you a very, very condensed version). At that meeting I stated that I would not support the “settlement” (it wasn’t even a court order settlement...just something they schemed up) and as the Comptroller I will not pay. As the Comptroller, I am the “watchdog of the public treasury”. This turned up the heat. That evening in the hallway the Commissioner’s left the meeting in the back hallway with the County Attorney and called me a “F... B..tch” with no right to get involved in their business. (This should help to explain some of the political cartoons in the PNJ). I tried for months to educate them on the law and why I take the position I do. You should know that when Barry and May got re-elected in November 2020, they opted out of FRS for the 401a/ICMA. My first action was July 1, 2021 to lower the contribution rate from 51.46% of their salary (about \$44,000 per person) to 8.34% (that sounds more reasonable doesn’t it?). I lowered the rate by July 1 because that is when FRS restates the new fiscal year rates. I continued to research the statutes and realized that language changed years ago and they, as elected officials, cannot participate in a plan outside of FRS (more details here too). On January 1, 2022 I stopped all contributions for elected county commissioners to a private retirement plan (401a/ICMA). March 2022 the County Commissioners filed a lawsuit against me in my capacity as Clerk & Comptroller stating that my position is ministerial and basically I have to do everything they say do. Just so you know, I am a Constitutional Officer, one that is elected under oath to follow the constitution and laws of Florida.

This is a very, very short version. Today at 2pm Judge Stone in Okaloosa will hear our case from 2pm-4pm. I don’t know that there will be a ruling today, but the case will be heard.

I hope this helps you to understand why the newspaper is buzzing. I realize this is a short version and from my perspective. You can do your own research by reviewing articles in the PNJ online.

Pam

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