

# A Plan for Accountability and Integrity in Clay County Government in the 21st Century

## Who is the Clay Charter Review Commission?

The “Constitution” of our county government, our County Charter, requires that a Charter Review Commission (the “CRC”) shall meet to review the structure of our county government every four years. The CRC is a group of 15 Clay County residents who reside in all areas of the county. Each district of the county is equally represented. The members of the CRC are unpaid volunteers.

We are concerned citizens like you. No CRC members are employees of the county government or serve on the county commission. For nine months, we dug deeply into the structural problems within the county government that led to the recent fiasco in the Public Works Department. We traveled to all areas of the county to listen to residents, listen to county staff, and listen to advice from experts in public administration—many of whom came from other chartered Florida counties.

## Focus on Accountability

The illegal dumping activities by the Public Works Department will cost us, the taxpayers of Clay County, over \$9 million. This cannot happen again. The CRC finds that in order for our county government to be accountable to its residents, it must be guided by these fundamental principles:

1. The Board of County Commissioners must develop and articulate clear and understandable goals;
2. The Board of County Commissioners must report to the public on, at least a yearly basis, its successes and failures in achieving those goals;
3. The Board of County Commissioners must demand that the County Manager implement their goals in an efficient and professional manner or he/she will be replaced; and,
4. The voters must constantly review whether the Board of County Commissioners has achieved its goals and support those leaders that are successful and replace those leaders who are not.

## The 2004 Changes are Not Enough

In 2004, the voters of Clay County decided to elect their five county commissioners on a “single-member district” basis rather than an “at-large” basis. Under the old “at-large” system, each voter in the county voted for all five county commissioners. Under the “single-member district” system, a voter in Clay County votes for one of the five county commissioners (the commissioner who lives in

and represents that voter’s district).

Based on public comments received by the CRC, individuals supported the “single-member district” system for two primary reasons: 1) A commissioner elected from a single district is more inclined to be responsive to the needs of his/her district, and; 2) it would cost less money for a candidate to run for office in a “single-member district” system because he/she only has to campaign in his/her district (rather than the county as whole); therefore, it would be more difficult for a individual or group with lots of money to influence the results of an election.<sup>1</sup>

The CRC determined that any recommendation for a change to the composition of the County Commission would honor the results of the recent election bringing the “single-member district” system to Clay County. We respect the voters who supported this initiative. The CRC shares the desire of these voters to bring accountability and integrity to our county government.

The CRC believes that the “single-member district” system currently in place DOES NOT GO FAR ENOUGH to ensure that the elected officials of the county remain accountable to the residents of the county. Instead, the CRC proposes that the county borrow from the wisdom of our country's founding fathers to create a system which balances the localized concerns of our five single-member districts with the concerns of our county as a whole and with the concerns of Clay County within the First Coast region. Our founding fathers created a House of Representatives, made up of a large number of local district representatives who would reflect the particular, local concerns of their respective districts. They also created the Senate, a smaller group of individuals who were designed to focus on the needs of the union as a whole.

A citizen who lives in Middleburg, for instance, deserves not only to have a representative looking out for Middleburg, but also a representative who is looking out for all of Clay County. After all, when development occurs on Blanding Boulevard in Orange Park, or in Lake Asbury, it impacts Middleburg.

To achieve the goal of more accountability, the CRC recommends the addition of two at-large members to the Board of County Commissioners. One of the two at-large commissioners will be elected as the Chairperson of the BCC for their entire four-year term. One of the things lacking in Clay County has been a long-term vision and the

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lack of a consistent direction. Currently the chairmanship rotates each year among the commissioners. The rotating chair causes a lack of accountability and long-term vision. Most importantly, since the Chairperson will be one of the at-large commissioners—all of Clay County will elect the Chairperson—not just one district.

This recommendation creates accountability in a single person. The Chair will be required to report to the residents every year on the "State of the County." During the "State of the County" address, the Chair will review the goals set by the county government in the previous year and advise the residents if those goals were or were not accomplished and why they were or were not accomplished. Every four years, when the Chair is elected, the residents of the county will decide via the ballot box whether to continue forward with the vision set by its Chairperson or change course and elect someone with a new vision.

"I think you have landed on the best (governmental) model," said consultant and former Volusia County Manager Larry Arrington on June 19, 2006 at the fourth public hearing of the Clay County Charter Review Commission.

Again, the CRC is borrowing from the wisdom of our founding fathers who created the position of President of the United States. The President is elected every four years and is directly accountable to the people. Every four years, when our President is elected, all of the states of our union have a great national debate as we compare the visions of our candidates for President and choose our destiny together as a country. We should do the same as a county.<sup>2</sup>

## Ensuring Focus on Accountability

To further ensure accountability, the CRC recommends an addition to the charter requiring the Board of County Commissioners to adopt an ethics code that the commissioners, all county employees, the Clay County School Board, the Commission Auditor, County Manager, County Attorney and the Constitutional Officers must abide by. A majority of Florida counties and municipalities have adopted such an ethics code. This code will be a standard by which the commissioners, the school board members and all county employees can be measured.

Finally, under our current charter, County Commissioners are not supposed to interfere with employees under the supervision of the County Manager. The CRC recommends

adoption of a stronger Non-Interference clause, wherein the Charter shall clearly forbid the Commissioners from interfering with employees under the supervision of the County Manager and shall subject any Commissioner who violates the non-interference clause to all the consequences of malfeasance, including removal from office. In addition, this strengthened non-interference clause will clearly outline the investigatory power of the County Commission, thereby enhancing the accountability of the Commission for any wrongdoing that occurs on their watch.

Columbia County Manager Dale Williams gave expert testimony to the Clay Charter Review that a standard response from a Columbia County employee to a request from a County Commissioner is, "Boss, that is fine. Have Dale call me and tell me to do it."

## Conclusion

The CRC respects the wisdom and will of the voters. We truly believe that when our fellow citizens consider the logic and rationale that we used to arrive at our recommendations, our fellow citizens will come to agree with us. These proposals will bring the accountability to our county government that the citizens of Clay County are demanding. We welcome debate and disagreement on the merits of our recommendations. We only ask that the debate on these important issues be limited to a respectful discussion of the pros and cons of the recommendations. It's time to end the petty politics of the past and work together towards the future. Clay County deserves it.

## Footnotes

<sup>1</sup> While the first reason is logical and provides a reasonable basis for the voters and the CRC to support "single-member districts," the CRC disagrees with the second reason. First, it assumes that the votes of county residents can be "bought" with a high-priced campaign. Our recent electoral history rejects this premise and the CRC finds the premise insulting. Second, to the extent that money could influence the results of a campaign, it is just as easy for a "special interest group" to pour money into a "single-member district" campaign as it is for a "special interest group" to pour money into an "at-large" campaign (with arguably more effective results in the "single-member district" campaign).

<sup>2</sup> It should be noted that included in this recommendation is reduction in the salaries paid to the county commissioners. This recommendation takes the total salaries of the five existing commissioners and redistributes it to the seven commissioners. In other words, the five single-member commissioners and one at-large commissioner will be paid at approximately 70 percent of the standard rate. The at-large Chairman commissioner will be paid at approximately 80 percent of the standard rate. The result is no additional salary expense to the taxpayers of Clay County.