

**MINUTES
CLAY COUNTY
CHARTER REVIEW COMMISSION
January 5, 2006**

The Clay County Charter Review Commission (CRC) met on Thursday, January 5, 2006, 7:00 p.m., City of Keystone Heights Town Hall, Keystone Heights, Florida, 32656. Those in attendance are listed on the attached sign-in sheet. Glenn Oliver, Gordon Jespersen and Jim Gann were absent. County Attorney Mark Scruby has a prior commitment and was not present.

Chairman Travis Cummings led in the Pledge of Allegiance.

Recognized elected officials: Mayor Lindel Hale, City of Keystone Heights; Councilman Bruce Harvin; Commissioner Harold Rutledge, District 5; Keystone Heights City Clerk, Karen Nelson; Finance Director Don Moore; County Manager Fritz A. Behring.

Chairman Cummings announced that there are several political candidates present who are running for various commissioner seats at the next general election.

Scotty Taylor: He served on the first CRC as vice-chairman. He is running for County Commissioner District 4.

Mayor Lyndel Hale of Keystone Heights: He works in the insurance financial services industry. He is running for County Commissioner District 4.

Rick Bebout: He has lived in Keystone Heights for the past 28 years. He is a recent naval aviator retiree. He is running County Commissioner District 4.

Mr. Lane: He is a recent retiree from the State of Florida Highway Patrol after 32 years of service. He has lived in Keystone Heights for the past 25 years. He is running for County Commissioner District 4.

Doug Conkey: He recently retired from the Navy as an aviator and has lived in Clay County for the past 15 years. He is running for County Commissioner District 2.

Media representatives are from the Clay Today, Leader, County Line and Lake Region Monitor. Chairman Travis Cummings thanked them for the great coverage of the CRC meetings.

Amendment to page two, paragraph three, first sentence of the December 1, 2005 CRC Minutes: Douglas Phillips Conkey explained that he has lived in the Orange Park area since 1985 and is a recent retired navy aviator.

Rob Bradley made a motion to approve the December 1, 2005 CRC minutes as amended. Michael Q. Rogers seconded the motion, which carried 12-0.

Clay County's Finance Director Don Moore was invited to explain the early creation of the audit commission and its function; the creation or modification of an audit/oversight committee; and his responsibilities as a finance director.

Finance Director Don Moore explained that his primary duties are to pay the county's bills, payroll, and maintenance of the county accounting records and treasury.

The audit committee as we know it came to fruition in the 1980's in the public sector and that is when the government sectors starting looking into it. In 2000 they established the Government Finance Officer's Association (GFOA's) recommended procedures. This group produced recognition and for the first time they recommended the establishment of an audit committee. The first page of their recommendation was provided to the CRC for their review (attached). It was at this time that I began thinking about an audit committee. The County recently went through a Charter amendment that was placed on the ballot. In October 1999, the finance department was removed from the Clerk of the Court to the Board of County Commissioners (BCC). The commission auditor's position was also created with an amendment to the Charter at the same time. Clay County has employed two commission auditors since the conception of that position. The BCC was not receptive to the creation of an audit committee. When Commission Auditor Mike Price started as the commission auditor, he and I discussed the idea of creating an audit committee in Clay County. Eventually, we were able to encourage the BCC to accept the concept of an audit committee for Clay County. The purpose of the current audit committee is to enhance the auditor's real and perceived independence from those being audited; and to provide a direct link between the auditor and the governing board. We have external auditors and an internal auditor (Mike Price). The external auditors audit my department every year for three to four months. They audit all of my records based on the county's policies and procedures. The audit committee gives the external auditor an avenue of conversation and communication directly with the Board. As the auditee, I can not interrupt the process or truncate any issue that may arise. That is the concept of the audit committee as it is organized to date. It provides a link between the auditor and the BCC. There were some financial issues that surfaced at the last commission auditor meeting concerning credit card usage. The BCC was able to have direct contact with the external auditors and express their concerns accordingly. The Audit Committee also allows the external auditor an avenue to bring any of their concerns to the BCC with no interruption from department staff they are auditing and is important to the external audit function. Further, Mr. Moore explained that what he had been reading in the newspapers appears to be some miscommunication on the subject of auditors. Clay County has an Audit Committee which has been explained and deals specifically with our external auditors. There is also an Auditor Selection Committee that is driven by Florida Statutes. The sole function of this committee is to procure the external auditor.

When the Commission Auditor's position was created; ways to depoliticize that position was discussed. This position will never be totally depoliticized because that individual will always be employed by the BCC.

The way that this has been handled is for the Commission Auditor to present his audit plan and findings to the Budget, Finance & Personnel Committee (BFP). For the most part this method has worked rather well. At the time, there was some friction between the BCC and the

Commission Auditor. For instance; if the Commission Auditor raised some issues that he felt was not being addressed; he could take it to the Audit Committee which is held in a public forum. The Commission Auditor does not function under the Audit Committee. He functions through the BFP Committee.

Rob Bradley asked who sat on the audit committee.

Mr. Moore: The Chairman of the Board, the Chairman of the BFP Committee and two constitutional officers (one fee officer and one budget officer).

Chairman Cummings: Who sits on the BFP Committee?

Mr. Moore: The Chairman of the Board appoints the commissioners who serve on this committee.

Chairman Cummings: Are two BCC members represented on that committee?

Mr. Moore: Yes, there is a chairman and vice chairman. Commissioner Rutledge is the current chairman.

Rob Bradley: Is there a committee beyond those two commissioners, or just the two?

Mr. Moore: Just the two.

Rob Bradley: Serving on this committee is the Chairman of the Board, the Chairman of BFP, who is typically different, and two constitutional officers. Is that correct?

Mr. Moore: Yes. At that time, they wanted to include the constitutional officers. The BCC determines who our external auditors will be for the county; as well as for the constitutional officers. If a constitutional officer had a problem with an external auditor, there should be a way for the auditee to be able to directly communicate to the BCC who hired them. This acts as a control to remove the auditee somewhat, giving the external auditor a means of direct communication to their client, which is the BCC.

Rob Bradley: Who are the two constitutional officers represented on the audit committee?

Mr. Moore: There are three fee officers and two budget officers in Clay County. Property Appraiser Wayne Weeks, Supervisor of Elections Barbara Kirkman, and Sheriff Rick Beseler are all budget officers. Tax Collector Jimmy Weeks and Clerk of the Court Jim Jett are both fee officers.

Mr. Moore: There have been three formal audit committee meetings to date. The last meeting was held in February 2005 after the 2003/2004 audit was completed.

Chairman Cummings commented that the past audit committee minutes provided by County Attorney Mark Scruby reflected that there was some rotation with the constitutional officers serving on that committee.

Bill Garrison asked how the constitutional officers were appointed and who makes the decision which two constitutional officers serve on the audit committee.

Don. Moore: That has not been formally set in policy.

Bill Garrison: Is there a chairman of the audit committee?

Don. Moore: Yes. The Chairman of the BCC serves as chairman.

Chairman Cummings: asked if he and Commission Auditor Mike Price both attend the meetings.

Don. Moore: Yes. They are both assigned staff. I would not want to be on a committee and have a formal vote regarding their agenda.

Karen Lake asked if the audit committee would respond to any internal audit reports at this point. In 2003 the Public Works Department Audit was released; what would the audit committee do with that report.

Don Moore: At this juncture, the audit committee is set up solely for the external auditor; not for the internal auditor. Those reports are placed on the agenda of the BFP Committee. This is the way it has been set up, as a conduit for the commission auditor.

Chairman Cummings stated that Mr. Price informed him that the BCC is truly the “oversight committee”. The procedure is set up to where he takes his reports to the BFP Committee which is open to the public. Two commissioners sit on this committee.

Mr. Moore: Yes, that is correct.

Chairman Cummings: County Attorney Mark Scruby provided the CRC with information regarding a law suit that involved Alachua County vs Powers that had information regarding an audit committee. He also provided past minutes of the BFP Committee regarding the audit committee. The minutes of a previous Audit Committee reflected that Property Appraiser Wayne Weeks requested a legal opinion and received it on the ability of the internal commission auditor to exercise that function on a constitutional officer. Mr. Scruby is not here to elaborate on those minutes and we will have to discuss it at another meeting. Also, he asked Mr. Moore if the Sheriff’s Office hired an internal auditor.

Don Moore: Yes, Sheriff Beseler did hire an internal auditor and that position has since been eliminated. None of the other constitutional officers have their own internal auditor who would be paid out of their salary account.

Rob Bradley: Earlier, it was mentioned that Commission Auditor Mike Price puts together an audit plan for the year. When a new fiscal year begins, does he take his plan to the BFP Committee to let them know what he will be doing for the year?

Don Moore: I can't say for sure that he works on a fiscal year period. Mr. Price presented an audit plan that included the Public Works audit, and he started the process. I am not aware that it is done in a set schedule. You will have to ask Mr. Price.

Rob Bradley: Does Mr. Price initiate his audits by doing risk analysis on emerging issues or does the BCC or the BFP Committee make those recommendations?

Don Moore: I think the recommendation is made by the Commission Auditor. An auditor looks at the high risk areas which would be the larger departments in the County. There would not be a high risk in perhaps the Animal Control Department versus the Finance Department where there is a lot of cash and checks. The high risk departments are identified by the Commission Auditor and he presents them to the BCC and informs them that they are the areas that he will be auditing. At that time, the BCC would either approve his plan or disapprove it. This process is done in a public forum. It is important to attempt to depoliticize this office.

Rob Bradley: He initiates the audits and then the BCC responds.

Roy Lyons: If the Commission Auditor wants to audit a high risk department such as the Public Works Department and the BCC does not want him to do so; does he have to refrain from doing so?

Don Moore: Yes, I think that he would have to refrain. The Commission Auditor works at the pleasure of the BCC and there is no internal audit function that will change this process. In the public sector, companies who have internal auditors work for their Board of Directors. There is no way at this time that I see that this could be changed.

Rob Bradley: Has there ever been a time that the Commission Auditor has presented an audit plan to the BCC and he has been told not to go there?

Don Moore: You will have to ask Mr. Price that question.

Chairman Cummings: Mr. Price was recently directed by the BCC to do an audit. He has the freedom to audit any function, department, or position. From what I remember reading, and based on a risk analysis and the need for an audit; he also receives direction.

Don Moore: I would hope that this happened in a public forum. You are asking me to speak on the Commission Auditor's behalf.

Roy Lyons: How often does the external auditor come in?

Don Moore: The external auditors come in each year and are chosen by the BCC to audit the county and the constitutional officers. Each constitutional officer has their own treasury, payroll, accounts payable, and keeps their own ledgers. This is a quirk in county government.

Stan Puckhaber: You just stated that the BCC chooses the external auditor. I thought that you said earlier there was an Audit Selection Committee.

Don Moore: Yes, there is and are appointed by the BCC; basically they are the BCC members.

Stan Puckhaber: Is it a committee that selects an auditor and the BCC approves or disapproves them?

Don Moore: Yes. There are Florida Statutes that dictate how that is to be procured.

Michael Q. Rogers: In your opinion, is the internal auditing process adequate and does it work well? Can you give me an example of how it has worked well to mitigate risk, as well as an example of where we may have dropped the ball where the process did not work?

Don Moore: There have been times that an audit report was generated and perhaps it did not receive the attention that it should have. On the other hand, there have been many times that it has worked. A Public Safety Department audit recommended changes and they were implemented. Commission Auditor Mike Price is a very strong auditor and I have a lot of respect for him. He is an individual who will speak his mind. I think that we are fortunate to have him; he is a strong, knowledgeable auditor with some backbone. That is important in this position.

Don Moore: Remember that there is an external auditor and a commission auditor. I will leave you with one more thing and that is the bible of what auditors live by. Mr. Moore provided some information about audit committees and how they relate to external auditors.

Rob Bradley: Don Moore's discussion was helpful and glad that he came tonight. The CRC understands exactly what the audit committee does and that it has nothing to do with the internal auditor. That is great information to know. Would it be helpful to have an audit committee that adopted a plan for the work of the commission auditor? I don't know if this would be a good idea or a bad one. From what I understand according to Mr. Price; he believes that his audit committee is the BCC; which I could be swayed. I am just trying to explain this issue the way that I understand it. Is it a good structure to have the BCC act as the audit committee for the Commission Auditors work? This is how the process occurs now. Or, would it make sense to have an audit committee who would direct the Commission Auditor's work. These are the two choices that I see.

Roy Lyons: From the resources that I have read, Mr. Scruby addressed this issue. They needed knowledgeable people familiar with the County on this committee instead of lay people from the outside - a small committee so it could function.

Chairman Cummings: I don't know if Mr. Bradley has any direction on whether it would be county staff or volunteers for the audit committee. Mr. Price clearly said that a board or committee such as this has appointed citizens or non-county staff, may not have judiciary

responsibility; and that could really not be a good fit. I think that the BFP Committee clearly receives the audit report from the auditor; and from there becomes a conduit between the BCC, which is the oversight committee. Although he didn't really appear to think that these committees were adequate, he did say that clearly there was an oversight error by the BCC when that 2003 Public Works Department audit was presented. Does this always happen?

Rob Bradley: The logic that I understood from Mr. Price is that you would have an audit committee that does not have the expertise. The BCC are very qualified and that is what we have now.

Bill Garrison: I don't see how having an audit committee is going to create a county commission that is going to take action. So now you would have an audit committee that oversees the BCC.

Rob Bradley: Leon County has a five member audit committee who has been trained and understands controls. They oversee the work of the auditor and adopt an annual plan for them. In actuality, this is what the BCC does. They take direction from the Commission Auditor; I think that we should do this, or this, or this, etc.

Bill Garrison: Then they decide to do it or not to do it.

Rob Bradley: The question is whether the BCC makes that decision or have this audit committee to make that decision.

Roy Lyons: This is already in place according to Mr. Scruby. It is on page 22 and 23 of the information that he provided to us.

Rob Bradley: That is for the external auditor. All they do is overseeing the work of the external auditor; they don't go near the internal auditor.

Roy Lyons: Who is on the internal audit committee?

Chairman Cummings: There really is not one. There is the BFP Committee who has two BCC members on it. Mr. Price reports to that committee in a public forum; then goes before the BCC; they are the oversight committee right now.

Ralph Puckhaber: Leon County has an audit committee. Do their county commissioners have any opportunities to interfere with an audit plan; or is it an issue where the audit committee says yes, I want you to go check this out and eventually the audit will come back to their board to be either accepted or rejected; but they can't say whether or not that it will be done?

Rob Bradley: The fundamental difference of Leon County is that the Clerk of the Court is the auditor. Before the Charter amendment in 1999, this was the situation in Clay County. The audit committee oversees the work of the Clerk of the Court. That is the fundamental difference.

Stan Puckhaber: Is that your opinion, that there would be an independent committee who would direct the work of the auditor so there wouldn't be an opportunity for the BCC to either approve or disapprove the audit plan?

Rob Bradley: At the end of the day, the BCC are the ones to approve or disapprove the audit plan and decide what the direction of the county is going to be. The question is who directs the commission auditor? Who works with the commission auditor? What is his daily schedule and his plan of action? If he creates a plan of action and makes a recommendation that something should be done to address an internal control problem; that would go to the BCC. They would ultimately vote on the issue and have the resources to address it. They would make the decision if this issue will require expenses that may be too costly to the county and if there are other budgetary priorities elsewhere in the county that are more important. They may not recommend the plan.

Stan Puckhaber: Suggested to table this issue and move on.

Chairman Cummings: I think that this issue is something that Mr. Scruby can help us to understand. He thanked Mr. Moore for coming and expressed his thanks on behalf of the CRC.

RECESS

Commissioner Harold Rutledge, District 5 informed the CRC that he did not come to tonight's meeting to speak. During the recess, he had a conversation with Roy Lyons on some issues that the CRC had been discussing and wanted to share it with them. He stated that he thought the concerns of the CRC are that the internal commission auditor may not have an avenue to bring his audits to the board floor.

Rob Bradley: I think that all of the CRC members understand the work ethic that the commission auditor performs. The internal auditor does make it to the Board floor and you receive copies of his report.

Commissioner Rutledge: Not necessarily. The problem at this time is that he reports to the Chairman of the BFP Committee. When he brings an audit report to the BFP Committee it is accepted and is placed on a BCC consent agenda at the next Board meeting. Currently I am the Chairman of the BFP. If none of the commissioners pull the report from the BFP Agenda, it is passed without a full Board public hearing. This means that the privilege to hear about it is lost. At this time, the county is broadcasting committee meetings on Channel 29 of your local cable company. I recommended that this broadcasting should be done and it is a great opportunity for citizens to see them. Referring to his conversation with Mr. Lyons, the BCC agenda provides a section for the county manager's report and one for the county attorney's report. There is not one provided for the commission auditor's report on our agenda. It is my opinion that the commission auditor should not be reporting to the BFP Committee, but rather to the full Board.

Mr. Lyons: Is this something that needs to be changed in the Charter?

Commissioner Rutledge: It is the pleasure of the Chairman of the Board to set the agenda style. I don't know if there has been a recommendation that the commission auditor's business be placed on the agenda. The Commission Auditor may not have a report to present for many BCC meeting. That would occur when he has completed a full audit and is ready to present it to the

Board. I would personally like for the Commission Auditor to come to the full Board and will be making this recommendation to see what the chairman's opinion is on this issue.

Rob Bradley: That would be the first half of the equation; how he chooses the topics that he looks at.

Commissioner Rutledge: I think that you may have read in the Charter where the Commission Auditor does have some autonomy to do his job. Could the full Board tell him not to do something, yes they probably could. Could he still do it? He probably could. Do we have the authority to fire him, we probably do. He does work at the pleasure of the Board.

Mr. Price is a very strong willed individual. He will do what he believes is the right thing to do and I firmly believe that. I believe that if he came to the Board and said he wanted to do an audit on something that we did not want him to do, I am sure that he would probably 1) do it, or 2) resign. His job is to protect the assets of the County as it is my job to protect the assets of the county. I can't ever imagine a situation where he would come to me and say that he wanted to do an audit and we said no. Now, if he brought back an audit report and said that he recommended that there be a huge dollar amount of improvements to the county; then it is my privilege to say yes or no. I appreciate the time I have spoken here. The Commission Auditors contract is open-ended and we can vote him out. There may be something that you could do to give him more security regarding his contract, perhaps by providing a clause in the Charter where he can't be fired for just-cause. I am not sure that is a good thing to do to an auditor or not; I don't know. If you are looking for more security for the Commission Auditor, then that may be something the CRC may want to discuss.

Chairman Cummings: This issue is still on the table and the CRC can still address it.

Commissioner Rutledge: My personal philosophy regarding the Charter is anything that can be done administratively without changing the charter would be better. Some things are needed in the charter and some are not. If you get good people running your government you get good results. I appreciate your time.

Rob Bradley: Not only can we make amendments to the Charter, we can also make formal recommendations to the Board that would not require changing the Charter. That certainly sounds like something that Commissioner Rutledge may or may not need assistance with. We have not spoken with the other four commissioners.

Chairman Cummings: I speak outside the CRC to that comment. It is somewhat of a critical time and there is a lot of change occurring in our government. I can see where there would be benefits in making recommendations to the Board instead of changing the Charter with amendments. I think that they would really appreciate some of the research and time that the CRC has provided. Commissioner Rutledge has brought up a good point. If you look back on the past appointments to the CRC; eight out of 15 of us recommended a Charter amendment to the BCC, and you will see many times there have been no recommendations to change the Charter. This CRC continues to take the Charter very seriously and follows due process before they engage in making a

Charter amendment. I think the process works and I do agree that from an administrative level many of these issues could be accomplished.

Roy Lyons: We need to do something to give the Commission Auditor the autonomy to do his job without him getting fired.

Mary Cooperman: There may not be as much chaos if everything was audited.

Stan Puckhaber: Suggested to table this issue to their next meeting.

Chairman Cummings explained to County Manager Fritz A. Behring that their issue list stills has “Review the County Manager’s responsibilities including the number of department heads under this supervision” on it. The CRC is continuing to discuss this issue because of their concerns that the current structure of the executive branch of our local government may be too demanding. The CRC is looking forward to Mr. Behring’s opinion on this and learning more about his background and experiences in local government.

County Manager Fritz A. Behring: I am a native of Sioux Falls, South Dakota, and graduated from high school there. I studied at the University of South Dakota for four years and have a Bachelor of Arts Degree in Political Science (Criminal Justice, Spanish). I had every intention of going to law school at the time, but fell in love with what I was studying and postponed my decision to work on my Master of Public Administration Degree, which I received from the University of South Dakota. My Master’s Degree in Public Administration has an emphasis in local government, administration and public finance.

Graduating on a Saturday from the University of South Dakota, I began working the following Monday as the youngest City Administrator for the City of Central City, Nebraska from 1990 to 1996.

I was offered a position as the City Manager for the City of Fort Meade (Polk County), Florida and did so from 1996 to 1999 (Polk County).

From 1999 to 2005 I was the City Manager for the City of Deltona, Florida. I moved from a town of 6,000 to a community of 60,000 in 1999. Deltona is a suburb of Orlando. I worked in Deltona until a month ago. In the meantime, Deltona went from 60,000 to 85,000 people while I was there growing a rate very similar to what Clay County is experiencing. I saw Clay County as an opportunity and feel that I have the confidence that I know what I am doing and this would be a good time to prove it. It certainly is the challenge of my career and I am looking forward to it.

I am not an international relations expert or a political theorist; but I do know, and do understand the running of organizations; especially public organizations. Additionally, on an interim basis, I have taught at the University of South Dakota and the University of Central Florida.

The floor opened for questions.

Mary Cooperman: I attended the last BCC meeting and was impressed. I learned that citizens will no longer contact their district commissioner for problems like drainage; but rather to the county manager.

Mr. Behring: Certainly a citizen has every right to contact their elected official. What I have been trying to stress to my bosses (the BCC) is when they have a concern they have to bring it to my attention. Legally and technically the staff of the BCC consists of three individuals; the Commission Auditor, the County Attorney and the County Manager. Everybody under the BCC's control, other than these three individuals reports to me. If they want to effectuate a change in road maintenance, a drainage problem, or any other issue, they have to go through my office. Part of the problem I think in the past is that the Charter has not been embraced or followed. Since I have been on board I have been trying to stress that to my bosses. We have to change the way that this operation works. We have to change the day-to-day operation. Part of that is that I, as the manager, the CEO of this corporation, have to know what is going on. I can't do my job if I don't know what my departments are doing or not doing. If there are problems in the field that that the public has with our drainage systems or our roads, I need to know that. I may be told by my employees that they have it taken care of, but they may not have it taken care of.

Mary Cooperman: How are you going to set this up? For instance in my district if I want to do something or need something, do I call your office and let you know?

Mr. Behring: It depends on what the issue is. If you have a problem with a service that we provide you should express your concerns to your elected official or in my office.

Responding to Ms. Cooperman's concern about going to the County Manager instead of her commissioner, Chairman Cummings explained that in the Town of Orange Park as a councilman he can express his concerns to the Town Manager John Bowles, but he can't go directly to department heads or staff. Mr. Bowles can direct him to go to a department head and ask a question, but it is through his indirect or direct supervision that he can do so. What I think that Mr. Behring is saying is that you have to go through his office.

Mr. Behring: In the past we have actually had citizens concerns addressed and taken care of directly by the elected officials to the staff of the County Manager. That is illegal. That has to change because when you have an organization that you don't know what the priorities are on a daily basis you can't run it effectively.

Mary Cooperman: What kind of setup are you going to have to take care of these calls?

Mr. Behring: For the past four weeks the calls that have come in from citizens are routed through my office through my administrative assistant with my knowledge to the appropriate department head for information. If there is something that we can do about it we will correct it. We try to get back to the citizen. If the call comes in to the elected official like Commissioner Rutledge; he can send me an email, phone my office, or leave a voice mail message. It becomes my job to take care of the problem. Possibly the answer may be no, that I can't help your citizen in this case. If I

don't do that, he has one person to come down on, me, as his employee. It is my job to make sure that I address those concerns based on planned actions.

Mary Cooperman: Are you going to hire someone to handle all of the complaints?

Mr. Behring: No, we don't get a lot of calls. What I am saying is that if you are one of those citizens who contact your elected official; I have asked my five bosses to show me the courtesy and respect of this position to let me know what those issues are. They have emailed me, they have phoned me, and nothing has changed in the operation of our office. I have enough staff to deal with those issues. I may not have the answer that they may want today, or within ten minutes, but I will get them the answer. I expect my staff to provide me that information. I need that elected official to talk to me as opposed to someone else. It makes my job as a manager easier if I know what is going on.

Mr. Lyons: Simply, this is a chain-of-command and you must have it, if you don't you will have chaos. One of the objectives that we are looking at is to make sure that you have the autonomy to do your job to insist that the BCC do this without having to worry about losing your job. You have some choices and it is an excellent plan. Citizens can call their commissioners about issues but it must go through the county manager and you need the discretion to do it. If the work it is not getting done, you will be responsible to the BCC. It is their job to take action at that time. You need the autonomy to do your job and insist that the BCC inform you about county issues. I think that it is wonderful.

Una Cornelius: Do you think that you need an assistant or vice chairman?

Mr. Behring: The beauty of the Clay County Charter is that it is very short and simple. It basically says that the County Manager is in charge of the administrative operations of the county. That is it. The legislative function; the policy making function is the BCC. That is it. They may choose to adopt an Administrative Code. The county commission has adopted an administrative code which is a little cumbersome in my opinion because it restricts what the manager, me, can do. There is nothing in the Charter that prevents them from changing that Administrative Code. In fact, I will be recommending changes be made in the administrative code to give me the flexibility to reorganize the county departments. I have too many generals and not enough troops in the field. There are too many people walking around answering to me directly that don't need to answer to me. That might have been what worked in the 90's, but it does not work for me today. I don't think that we need to change anything in the Charter. I certainly have to be able to justify to my bosses if I want to spend money to hire a deputy or an assistant; I better be able to justify it. If I can't, I shouldn't get it. At the same time if I can decrease the number of departments and combine some of our services, still delivering the same functions to the public, but have fewer people reporting to me, I should be allowed to do that as well. In fact I propose to do that. That is why I don't need necessarily another staff person, but flexibility to manage that account that I have already been authorized to spend. A little more creativity will help to make this benefit better.

Bill Garrison: Both the Charter and the Administrative Code mention that the responsibilities of the County Manager shall include the following recommendations for action or programs for

improvement of the county and the welfare of its resident: Reviewing, analyzing and forecasting trends in county services and making reports and recommendations to the Board. I am curious as to how broad do you see that. You just commented on some internal issues and I am more curious about the external issues; the growth of the county, our horrible traffic situation, and things of that nature. How do you view your role as a County Manager in advising our policy makers on these issues?

Mr. Behring: First of all I have to get my internal house in order, the operation of the BOCC and what I am responsible for. I don't want to be the guy in the papers a year, two years or even five years from now who is known as a guy who can't fix it, or did something wrong, I don't want to be that person. Once I get that underway and take care of my internal operations, then I will begin to work and spend more time with my bosses; the elected officials, and start to work with them with annual planning sessions. There has already been dialog with some of the officials. They seem to be yearning for something different; they just have not had anybody to tell them to actually do it, like let's have a retreat. In fact, we have a workshop or retreat scheduled for early March. It will be a sort of brain-storming session for the BCC, me, and the public to start this process to determine where it is they want to be. My bosses, the BCC should not be worried if there is a pot-hole in a road. They should be worried about whether or not we have a good policy to deal with those issues and if we have a plan that may take five to ten years to implement, and if we have a funding stream to do it. If you can't rely on property taxes forever what alternative do we have? Those are the types of things that I need to have my bosses discussing. Those are the types of things that I will be bringing to them to discuss. The reality is that I don't think that they have spent a lot of time on that in the past.

Bill Garrison: You have touched on the subject of tax increases and my personal opinion is that the County is way under-funded to deal with our growth situation. Do you feel it is in your purview to recommend a funding increase of what ever mechanism that deems necessary?

Mr. Behring: I think that my first job is to find out where we have inefficiencies in the operation and if I can save money in the operation by doing things differently and I am first going to do that. If it comes to a point where I need additional alternative revenues to keep the government afloat and to provide the services that the public wants, I have no problem recommending that as a course of action. It is good that the County has endorsed additional impact fees for their educational crisis. We have the same crisis with our transportation infrastructure and that is starting to be addressed; but we are years behind the curve. That should have been addressed ten to fifteen years ago. They should have been in place. We have lost that revenue stream and all of the growth and development to help make this a better community. It is obviously a policy decision. I will give them the option; if you want a, b and c, and you want this level of service, and you want a road infrastructure that works, here is the cost. You decide, and here are your options of how to finance it. There are many ways to finance. Here are the options, let's discuss it and have a public debate. That is what I would recommend.

Roy Lyons: Do you feel as if the mechanisms are in place the way our Charter is written now for you to restructure, to hire extra people to help you if need to with the permission of the BCC?.

Mr. Behring: I had this discussion with the county attorney and we certainly have a different opinion as to how we interpret the Charter. There seems to be a difference of interpretation in that if it is not explicitly written that there shall be permitted a deputy county manager, or a restructuring of the departments. My opinion is that since it is not expressly prohibited under home rule; you have the right to do it. That is the whole reason that you have a charter.

Roy Lyons: Do you feel comfortable with the way that it is?

Mr. Behring: I am comfortable with it. It is my bosses who need to be comfortable with it.

Michael Q. Rogers: Were all of the commissioners part of your interview process?

Mr. Behring: Yes they were.

Chairman Cummings: The one thing that we heard loud and clear is that we have to be very careful with some of the things that have occurred in the past that has been mismanaged. Was it done individually or was it institutional. The Commission Auditor believes that it was done individually. He strongly felt and communicated that a new county manager has been hired and he will surround himself with good people. Since you have been here do you see that as a goal?

Mr. Behring: I want to make it perfectly clear that Clay County has a lot of great employees. There are a lot of good people who work here. In my opinion they have never been given the right challenges, they have not been given the right training, and they have not been given the right opportunities over the years. That is largely where we are at today because of the fact we have not had that. In addition to that, even though the Charter was changed in 1991, the County Manager form of government has never truly been embraced by Clay County. The Charter changed, but the way they did business did not change. I have had this discussion with many of my bosses. They say well you can't do that, and I say show me why I can't. There is nothing that says I can't. A few of my bosses say do it and let's see what happens. We have become victims of bad habits that I have stressed to my bosses and to my staff. We have to change those habits. It is not our form of government; don't throw the baby out of the bath water. The habits, personalities and interactions; and the fact that some people didn't do their jobs and did not do what they should have done - other people did more than they should have. Some people weren't doing enough and some people were doing too much. When you have that problem you don't have good accountability. I want to go back to an issue regarding the internal audit committee. There seems to be some issue of do we need another committee to direct the auditor. If this government runs the way it is suppose to the BCC would be the ones who tell the auditor that they are not comfortable with what Mr. Behring is doing with this operation and I think that we need to look at it. If it is truly operating the way that it should be and if they have a problem, then they should look at any one of my operations for weaknesses or problems. If it is truly running properly, they're the committee. They need to be sitting there as policy makers and say Mr. Auditor, I am not exactly happy that the County Manager is addressing this issue properly. I think that he is opening us up to some liabilities and you should look into it. The problem is that when you are in the mix of everything in the day-to-day operations it is hard to look and see the role of the auditor that way. That is my goal to make this perfectly clear to them. I have no problem if the BCC directing me to do certain things that I have to do as an employee; that is

insubordination and they can fire me. At the same time, I have a duty to tell them that it is my job to manage the operations and their job to manage the policies. If it works the way it is supposed to work, they are the objective viewers to my operation. If they are not happy with it then they should have the auditor come in.

Ralph Puckhaber: A question that you already answered but wanted to mention again. Some time ago I had brought up the question if the county had too many department heads.

Mr. Behring: Clearly, no doubt about it.

Ralph Puckhaber: The charter says that the department heads will report to you and I said make some of them division heads. The Charter simply says the department heads report to you, it doesn't say how many there should be. That is in the Administrative Code which can be changed. I am very encouraged to hear those words. One of the things that we have been discussing is to try and strengthen the charter with a non-interference clause to keep everyone off of your back. So those two things should go a long way to help.

Chairman Cummings: Mr. Scruby has provided a draft of a proposed non-interference clause for the CRC that includes some of the language that is currently in our charter, as well as language from the Brevard County Charter. This will be discussed at the CRC meeting on January 23, 2006.

Ralph Puckhaber: I attended the County Manager's interview process and was quite pleased that Mr. Behring came out on top. I think that your plan to re-organize the departments is exactly what is needed. We don't need 14 or 15 departments in this county.

Chairman Cummings thanked Mr. Behring for attending the CRC's meeting and for his informative information regarding local government and Home Rule Charter.

Rob Bradley: With County Manager Fritz Behring's presence in the county, it is a window of opportunity for the charter to work as it was written, and meant to be. We have the man in place to make it work. It is his personal opinion that the CRC should not touch the county manager's responsibilities and duties in the Charter. That is going to be my position and it will not change. I know that was an issue on our list and when we get to discuss to that issue, my recommendation will be that we remove it.

Rob Bradley made a motion to set the three required public hearings for any proposed amendments/revisions for February 20, 2006, March 2, 2006, and March 20, 2006 meetings." Motion was seconded by Roy Lyons. After a lengthy discussion regarding setting those proposed dates, Mr. Bradley withdrew his motion. This motion will be placed on the January 23, 2006 CRC agenda for further discussion.

Rob Bradley made a motion to modify the issue list to include six items: a) Discuss expanding the five member Board of County Commissioners to seven members with two at-large commissioners; b) Should the BC be expanded to seven members, discuss making one of the at-large commissioners an elected "Chairman of the Board" or "Mayor" who

would perform purely legislative functions along with the other six commissioners; c) Discuss the modification and/or creation of an Audit Committee; d) Discuss a Charter requirement that the BCC adopt an ethics code by ordinance; e) Discuss possible restructuring of the County Manager's responsibilities; f) Discuss modifications to the non-interference clause.

After discussion, Mr. Bradley requested permission to modify his original motion by removing "e) Discuss possible restructuring of the County Manager's responsibilities", making f, e; a total of five issues. Roy Lyons seconded the motion, which carried 12-0.

Revised CRC Issue List

1. Discuss expanding the five-member Board of County Commissioners (BCC) to seven members, with two at-large commissioners.
2. Should the BCC be expanded to seven members, discuss an elected Mayor/BCC (a strong leadership figure) who would be one of the two at-large seats should the expansion to seven members be one of the revisions. This position would function purely in a legislative manner.
3. Discuss the modification and/or creation of an audit committee.
4. Discussion a Charter requirement that the BCC adopt an ethics code by ordinance.
5. Discuss modifications to the on-interference clause.

Chairman Travis Cummings informed the public of the Home Rule Charter Government Seminar, Wednesday, January 18, 2006, at the Fleming Island High School In-Service Teaching Center from 6:00 p.m. to 9:00 p.m. The guest speaker will be Ginger Delegal, General Counsel for the Florida Association of Counties. This is not a CRC meeting; it is an educational seminar and is open to the general public at no charge.

The next CRC meeting will be Monday, January 23, 2006 at the Green Cove Springs City Hall, 7:00 p.m. Allan Watts who is an attorney representing the CRC in Columbia County and has also helped to setup numerous other charter county governments will be one of our guest speakers. The other guest will be County Manager Dale Williams in Columbia County (Lake City).

The regularly scheduled CRC meeting of February 20, 2006 is an observed county holiday.

Roy Lyons made a motion to hold their second meeting in February on Thursday, February 16, 2006. George Espada seconded the motion, which carried 12-0.

Public Comments:

Glenn Epstein, Keystone Heights. You already voted on this issue and I think that it is a mistake to not have your lobbyist registered. Lobbyist has too much money and too much say so with people who are willing to take your money. I don't know if you can revisit this issue or not. I did not know that there was any public discussion on this issue before you voted on it.

Rob Bradley responded that he thought this issue may be rolled into the ethics code. This was my motion. The beauty of the current charter as County Manger Fritz Behring expressed; is that it is rather simple and it provides flexibility. An issue such as lobbyist, which is a very important

issue to deal with, is really something that you want to have some flexibility to design the regulation to be effective. It is really clumsy to do something like that in a charter. What is not clumsy is to say BCC pass an ethics code. We could recommend that they address issues like lobbyist. They can then design and change matters if it is not working. Rob stated that from his perspective making this a motion he was not ignoring this issue, but thought there was a better way of approaching it. That was his point.

Chairman Cummings informed the public that he would discuss lobbyist in Clay County with the County Attorney Mark Scruby to find out how they are registered.

Wendell Hale, Mayor of Keystone Heights thanked the CRC for having their meeting in Keystone Heights and thanked them for their volunteerism and hard work. He suggested that they think about what the voters decided at the last election. I know you will and there will be several more meetings for the CRC. Regarding the issue of adding two more at-large seats to the commission, consider giving the single-member districts a chance first. I know you have your reasons for considering it, but do so carefully.

Jack Myers: 2099 East Winterbourne, Orange Park, Florida, 32073.

Regarding Mary Cooperman's question about citizen's complaints being handled through the county manager's office, I think that what was happening before is that each of the department heads had six bosses, the commissioners and the county manager. That is what the new county manager is trying to eliminate. The department heads could not determine their priorities because there were six people telling them what to do. The second issue that I didn't get a clarification on is when Fritz was asked if there was anything that he would change and he said no; but that Mr. Scruby has a different interpretation of that. He said that it gives the power I need because it is not stated, but Mr. Scruby has a totally different opinion of it. I am concerned about this because it may mean that there is a conflict there and I know that Mark is not here to discuss it. This may be something that should be addressed. If Mr. Scruby feels comfortable that Fritz has the powers that he needs to do a good job as a county manager is Mr. Scruby going to continually watch anything that Mr. Behring tries to do by saying that it is not stated that he can reorganize the departments therefore you can't reorganize them.

Chairman Cummings: What Mr. Behring was saying is that he thinks that he has the authority to do things that he needs to do to operate the county. I will discuss this with County Attorney Mark Scruby and see what the conflict is and bring this issue up at the next CRC meeting.

Bill Garrison: I think that is a very good question that should be reconsidered. You have two very important individuals; the county manager and the county attorney. They have a difference of opinion about the fundamental interpretation of the charter.

Chairman Cummings: We want to make sure that the county manager has the autonomy to do his job and that is why this issue is being discussed.

Mary Cooperman: If it doesn't say that you can't do it, then you can.

Doug Conkey: The County is embarking upon a monumental change, not only in how we think, but also how we operate. Mr. Behring gave you some insight on some things that he will be doing and some things that you are working on. I think that education of these changes in the process is important to the success of what we are going to do. A lot of that is the commissioners are going to have to relate the things that are changing right now inside the life-lines of the government. They need to educate the citizens because we have been doing things so awkwardly for so long. Also we changed one part of that wheel and the other people are coming in and they are frustrated because things are not working the way the used to, so it's an educational process.

Regarding the CRC, and getting your issues out so your public forums may be as effective as they can be in the short time-lines; you need to properly communicate your issues, facts and deliberations so that when people come to the public forum, you are more efficient in discussing the issues upfront instead of spending ten minutes educating people. Education is the key to success; communication is the key to success. The journey that we are starting in this county, which will hopefully make us a model of where we want to go. The citizens are demanding this.

Stan Puckhaber: There has been a lot of coverage in the media about the current CRC over the last several weeks. It has all been fine and fair in reporting, but I think that there has been one statement left out. People don't attend meetings and agree to agree. It has been said several times that we as the CRC can change the charter. We can't change the charter. We simply recommend changes and they are placed on the ballot. It is the citizens of the county that vote on it. I have read several times that somehow we have some ordinate power to change the charter and it is not so. When other people make those statements the correct information needs to be put out to the public.

Chairman Cummings: The CRC review session is not a reckless process – it is work. There are 15 members who began not knowing each other. The audience looks at that as a great cross-section of our community from a race, gender, profession, education, etc. This CRC group is a wonderful combination of talents and qualities. We don't necessarily have to agree to everything, but we come together and build a consensus and listen and educate ourselves. My comments and responses to some of these criticisms have been for the citizens to come to our meetings to listen and participate. We extend our hands and ears to all of the citizens. We have a lot of work to do and I brag on this group and the process when I get the chance. We are fortunate to serve the community in this responsible role.

Bill Garrison: I concur with the idea that we get the correct issue list (5 items) keep it in the press and be sure that they have that before we leave tonight.

There being no further business the meeting adjourned at 9:30 p.m.

Chairman Travis Cummings

Recording Secretary, Ann Mitchell