

**MINUTES
CLAY COUNTY
CHARTER REVIEW COMMISSION
February 2, 2006**

The Clay County Charter Review Commission (CRC) met on Thursday, February 2, 2006, 7:00 p.m., at the Town of Orange Park, Meeting Room, 2042 Park Avenue, Orange Park, Florida, 32073. Those in attendance are listed on the attached sign-in sheet.

Chairman Travis Cummings led in the Pledge of Allegiance.

Amendment to page nine, paragraph two, sentence two of the January 23, 2006 CRC Minutes: Chairman Cummings: Clay County is 90% unincorporated ~~incorporated~~.

Amendment to page 15, paragraph six, sentence one of the January 23, 2006 CRC Minutes: Michael Q. Rogers: That is like nailing jello ~~them~~ to the wall because one can rationalize why that person is approaching an employee of the county.

Bill Garrison made a motion to approve the January 23, 2006 CRC minutes as amended. George Espada seconded the motion, which carried 15-0.

Bill Garrison made a motion for the county to approve reimbursements to Chairman Travis Cummings for the purchase of a gift basket to Ginger Delegal, the guest speaker of the Home Rule Charter Seminar held January 18, 2006 in the amount of \$80.25; and for her dinner prior to the seminar in the amount of \$22.85. Total reimbursements are \$103.10. Roy Lyons seconded the motion, which carried 15-0.

Chairman Travis Cummings: The charter amendments approved by the CRC will be given to the Board of County Commissioners (BCC) and as a formality will vote to approve them and they will be placed on the November 2006 ballot. I wanted to make it clear to the public that this is the systematic process that will occur.

Chairman Cummings explained the following information:

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 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.
3. Discuss a Charter requirement that the BCC adopt an ethics code by ordinance.

ENTERING PUBLIC HEARING STAGE

1. Amending the current citizen's initiative signature requirements from 10% of voter turnout in last general election to 10% of total registered voters at the time of the last general election.
2. Modification of non-interference clause.

NON-CHARTER RECOMMENDATIONS TO BCC BEING CONSIDERED

1. Altering the process in which internal and external audit reports are communicated to the BCC and public.

IMPORTANT UPCOMING DATES

- **Next CRC MTG:** Thurs, 2/2/06 and 2/16/06 at OP Town Hall, 7pm
- **Public Hearings:** 3/20, 4/6 and 4/17 at Clay Co Admin Bldg, 7pm
- **Final Recommendations to the BCC:** By June 2006
- **Charter Amendments on Ballot:** November 2006

Rob Bradley: We can also make recommendations to the BCC that don't go on the ballot for changes in the charter. For instance, if we had an issue that we thought that the timing was not correct we could make a recommendation to the BCC to place an amendment on the ballot. I am not saying this because I think that we have a recommendation, it is just for information.

Chairman Cummings: The BCC has not exercised that right to date.

Agenda #4: Discuss expanding the five-member Board of County Commissioners to seven members; with two at-large.

Chairman Cummings: As you know this has been one of our issues from the beginning of our session. We have heard from independent counsel, guest speakers, and continue to hear input from citizens. It is time for us to discuss this issue extensively.

The floor was opened for discussion.

Ralph Puckhaber: First, we are discussing agenda number four. I don't want to discuss agenda number five yet; it is another issue. As I stated before, I am a supporter of this issue, in fact, everybody that I have spoken to and the emails that I have read seems to support the idea of adding two at-large BCC members. Most people feel that we need it and I think that we do as well. It is a perfect counter-weight to single member districting. We heard from Allan Watts last week who used those exact words when he was referring to Volusia County. I may change my mind at the public hearing stage, but right now I am a strong supporter of going to seven members on the BCC. The only criticism that I have heard about this issue is the additional cost to the county. I believe that in the worst case scenario it would be a cost to the county of about \$200,000 from a \$205 million dollar budget. It is just not a large financial impact to the county. I think that the county would get a lot of benefit from having the additional members.

Mary Cooperman: Mr. Watts said a lot about this issue. People will not be elected at-large; they would be from a district.

Ralph Puckhaber: I think that he was answering a question Mary. He said that in Volusia County, which he was really involved in, that they had five single member districts and two at-large. The two at-large were at-large, they literally could live next door to each other and this is the way that I think that it should be done. He answered a question regarding Pinellas County where they have single member districts and they are overlaid with at-large districts.

Chairman Cummings: There are four single member districts and three at-large districts. This gives citizens in Pinellas County the right to vote for four of their commissioners, which is the majority of seven members. People seem to like that scenario.

Mary Cooperman: Regarding the chairman or mayor in our situation.

Chairman Cummings: That is agenda number five, a separate issue.

Michael Q. Rogers: Explain how we came to the recommendation of expanding from five single member districts to seven. I want to revisit the rational.

Bill Garrison: Ralph Puckhaber just explained it. We went from a five member at-large district county commission to a five member single district county commission. Prior to that change citizens could vote for all of the commissioners. Now, with single member districting you can only vote for the commissioner in your district. The idea of having the two at-large is that you will have two more commissioners at-large, county-wide.

Michael Q. Rogers: What is not working with the single-member districting right now?

Roy Lyons: If you don't learn from the past you are bound to repeat it. We have problems in our system because it was set up in the 1950's when our population was 25,000. Then, you could call your commissioner if you had a pot-hole and they took the responsibility of it. We have grown, the county has grown, and the job of the commissioner has grown. Our charter went right along with the system of the 1950's and 1960's. We have a system right now that advocates absolutely no power. If you have no power you have chaos, you have nobody in power. So, we are now trying to make the county manager a little stronger position so that he can do his job. We have five commissioners now who are single member districts, representing only their district transporting this power around. Historically in Florida when this happens with your single member districts, they in turn concentrate on issues that are only in their district. This is basically what Ralph was saying. Now, if we include two more at-large members to the BCC, who has the vision of the entire county, it brings it all under the envelope of the county. In theory and in practice of the growing counties, it has worked very well. Our system as it is is just an old system and we need to update.

George Espada: I understand what you are saying Roy. We are now alleviating the five commissioners from interfering with the county manager. That means that those five commissioners don't have to bug anyone and they will have more time on their hands to do what? The certificate of need is what? They need to look at more schools, more employment, growth, etc., and deliver it to the citizens of the county. You will have two additional at-large commissioners. They should be full-time positions. What do we need and how are they going to deliver it to us? Now we have a county manager who will do the holes, etc., Last week our organization helped five families who had sewer backups in a complex, and we did it in one day. This would have taken the county three weeks to complete. There was no commissioner present, there was no county manager present, and our elected officials were not there. I asked the tenants who they went to for help and they gave me the name. I have the name, and I will mention who it is when there is a need to mention it, meaning during election time. So we have to play the game, but if we are going to play the game, benefit the people with it. That is the person who owns three factories and wants to be a part-time commissioner. How is he going to help you?

Roy Lyons: The additional two commissioners will benefit the people in the county. They should be more receptive.

Michael Q. Rogers: This dialog is good and I appreciate it. I am still trying to get my arms around the details. We just recently embraced a new county manager. Roy has said that we didn't have a strong county manager, a CEO of the county to manage effectively. If in fact we went from an at-large operation to a single member district operation in 2004, have we really given the new county manager and the most recent change the opportunity to work or to fail?

Roy Lyons: It is not a matter of failing and I don't see this CRC as not giving the citizens a chance to fail, our job is to try and give them something that will work better than the system that they have now. The county manager before was very subservient to the BCC and we are trying to change that. We have it in the charter that he is not so subservient, he can do his job, yet he still works for them. Now, we want to set up a system where the BCC can do well. History shows; and we can go to St. Johns and Putnam Counties, that they went to the single member districting and then turned right around and went back to at-large districting. They did this because the single member districting did not work. Instead of questioning whether the single member district will work or not, give the single member districts the help that they need to succeed and it will be good for people in our community rather than sitting there and letting it fail.

Gordon Jesperson: My concern is that when you have single member districts the natural tendency is if you are the commissioner for that district to only be concerned about that district not only for self-preservation but because that is where you live. The people who live there are the people that you interact with the most in all likelihood and that is what you are going to respond to. We talked quite a bit about this at our last meeting the idea that the BCC is supposed to act as a legislative body. We should also be concerned about the regional impact and making sure the different towns, cities and unincorporated areas are all getting their visions together for transportation or whatever the issue might be so that it all meshes county-wide. If there is an initiative like the one in the news we see a lot, the beltway and the route that will take; if you are a single member commissioner that is in that location and your constituents are upset about it you are obviously going to vote against it even though county-wide it may be beneficial. Some people, who may have a broader vision, can say yes, it is going to inconvenience somebody no matter where it goes whatever the issue may be, but it is going to be beneficial county-wide. It helps expand that regional approach to the issue and with a county that is growing as fast as this county, I frankly prefer to have people who are thinking about how all of the pieces fit together and not just my individual piece.

Michael Q. Rogers: Is it possible to strengthen the collaborative working relationship among our existing structure where they would be required to embrace more of a visionary approach among themselves without expanding the current structure. Does anybody think that is possible?

Roy Lyons: I don't. They are going to be zeroed in on their constituents. It is a natural thing for them to do, to take care of the people who are in their district.

Michael Q. Rogers: Does anybody else think that they can?

Jim Gann: Seven commissioners to oversee what is going on in the county can do a better job than five. There is not as much area to cover.

George Espada: If we are saying that if you are the commissioner for district one you will take care of district one. Maybe I do not understand this. The other commissioner is district two and will take care of district two. How many districts are there? How many commissioners do we have now?

Rob Bradley: Reviewing the minutes in preparation of the meeting; we brought in Allen Watts as an expert in charter government and his role was different than Ginger Delegal's in that she explained your different options, but did not give any opinions as to what would be a preferable way to go or what policy ramifications of these options would be, she simply was saying here are the options. Mr. Watts kind of filled in the policy arguments that the experts believe follow when you do certain things. He said, In a time when you are really looking at regional government you are going to find generally speaking broader vision from at-large members. They look for their support to the whole region and not to small parts of it because you are dealing with issues that affect the whole region and you need to have the political wisdom to be able to balance out those competing interest with an urbanized area long enough to get yourself re-elected. Whereas if you represent only a single member district, in that kind of setting you tend to focus more on the interest of your small 1/5 of the county and less on the issues that affect others in the county." I don't need to say that, I will rely on Mr. Watts who is the expert. We have evidence on the record to support that and that is this initiative. So I think that is why we brought Mr. Watts here. What is the policy argument behind expanding from five single member districts to five plus two at-large? Mr. Watts articulated it very well and that is the reason why I would support it.

Rob Bradley: I think that the only other issue that we may need to discuss is the concept of how this is going to be set up. Obviously, if you have two at-large members everybody would have the opportunity to vote on them. The question is, some may perceive it as a problem and some may not and that is the fact that they could live next door to each other. Do you want to have the county be divided into a north and a south and an east and west while you vote on both of them? They have to live in separate areas of the county. I would have to see the map. Perhaps a natural division would be north and south. Currently there are more urbanized areas in the north of the county and more rural in the southerly part of the county, that would be a nice mix. The problem you have is they each need to be coming from a pool of exactly the same number of people so that line might be three miles from the top. East and west might be better.

Roy Lyons: You do that with a census.

Jim Gann: The initial election for the two at-large would be elected at the same time.

Chairman Cummings: If this was approved by the voters at the 2006 election the at-large commissioners would not run for those offices until 2008.

Mary Cooperman: I think that what Rob said really makes sense in that they could live next door to each other; we have a big county. I think they should be located in different parts of the county.

Glenn Oliver: I was born and raised in Middleburg and a life-time resident. I like the fact that I have someone who cares about my area. I do understand the argument that we need to have

someone who cares about the entire county too. That is my concern. I am not saying what is right or wrong, but my concern is how would we do it and who is to say that it can't work the way that we have it now.

Michael Q. Rogers: The concern that I think we need to think through are the behaviors associated with these particular roles. If individuals in an at-large capacity begin modeling with the same behaviors that got us to where we are now, then we end up at the end of the day with the same problem. I think it is important for us to look at possible recommendations or amendments that would address those issues and what those issues are. I don't know, and that is what's challenging for me.

Una Cornelius: I am tending to go with the two at-large because of the fact that I want my county commissioners to be responsible for this entire county. I think that we are too big of a county and growing too quickly to only be concerned about our own back yard. Another thing I see as a single member district that could be a problem is you get an area where a person may be popular and if they have a lot of money they can buy that commissioners seat very easily. They put up their own money, a lot of it. They are popular in their area and all they care about is their area and the people continue to re-elect them. If they have to go and spend their money to be elected throughout the entire county and responsible for the entire county, I think that you will get a stronger commissioner, one who cares what he or she votes upon and it will affect if they are re-elected again too. I think that we do need accountability, someone to represent this entire county and have an idea of where this county is going. Otherwise you can get single-minded about your area.

Brenda Rau: From a personal point of view, I don't feel like my vote means that much anymore. If I see someone in district three that I don't think is doing a good job and I live in district five, I can't help get him out. If I see somebody in district four, I would love to put in office, I can't help put him in. It changes my whole perspective, the voters view. I can't do as much for the county anymore, I tend to look at the whole county.

Chairman Cummings: There was a very successful charter amendment in 2000 regarding term limits. The two at-large commissioners we have been discussing will have term limits. Single-member districts were supported by an initiative and were successful. Should we let time take its course on these very popular issues? I think that a lot of citizens will be shocked when they can't vote in the next election for all of their commissioners. Mr. Rogers and Mr. Oliver have brought up some good issues. When we first started discussing the two at-large commissioners I thought that I would overwhelmingly support it. As we continue to discuss it I thought that the five single-members should take its course. Working through our discussion process we become further educated, particularly from our guests, I am more in favor than not for the two at-large. If you have read the paper you have seen a lot about regionalism. We are not going to get anywhere without it. Transportation, growth management, economic development; it doesn't stop anymore at I- 295. It is proven throughout the state that charter counties with the same makeup as Clay County who have the at-large format overall worked the best.

Does that mean that we are going to falter within the next two or three years with five single member districts? No. The important thing with an issue like this is to consider all of

possibilities, but have more of an argument than to counter act single-member districts. I think that argument will be weaker. We are adding two more commissioners and we have to prove and consider how the two additional commissioners will affect the over-all budget. I agree that is a lot of money for them, but will it give more benefit to our citizens and our county, a better representation for the regional impact.

This would be effective in 2008. It has been proven that the BCC has not in the past exercised their right to place a charter amendment on the ballot. You can slice this any way you want; for instance, a county that has five commissioners and 800,000 citizens, 14 municipalities and is 15% unincorporated, that is a huge difference. We have 90% unincorporated residents in our county. When citizens argue the population issue to me I am going to throw that right back to them. This is not the only issue that we can look at. You can look at many different issues.

The 2002 CRC minutes reflect that there was a recommendation by a citizen's group to consider seven single member districts. There has been discussion by previous CRC members that we needed some more representation and districts. Although that recommendation did not include two at large commissioners, and there are a lot of things that go into making those decisions, I want to continue to look at the aspect of what the regional impact will have.

We have to prove that we are not trying to only overcome our single member districts as we continue our process. I think that we have reversed; we went the wrong way. We probably should have been single member districts for forty years and then in the 80's and 90's switched to at-large districts. Frankly, to me it went in the wrong direction. Do we ride this out or do we look at the big picture 15 years down the road. We need to start talking about some of that. This is some of the arguments that I have.

Bill Garrison: For me to present a good solid reason to do this is to think about why it did go to single member districts. The idea was that you would create accountability at the district level. Citizens were dissatisfied that a county commissioner whatever their district may be, was not doing their job, in fact, did not even win in their district, yet was able to be elected county-wide. So the idea was we are going to have you elected within the district. I like that. I like the idea that my district commissioner is accountable now to my district, but what I don't like is my vote was diluted by 80% and now I can only have a say in my district. To me that is a huge deal and that is the regional aspect of the two at-large. I don't like the idea of them being neighbors.

Chairman Cummings: Mr. Watts has advised counties all over the state. The point of all of this is if there was an exact formula for government or for structure we would all be doing it; you have to look at the makeup of your particular county. If you look at the demographics of the county and consider where we are it could be that it is a better fit for nine commissioners in one county and in the other, there may be a need for only six; the county could have more citizens. You have to be open-minded. As Mr. Rogers said, you are going to be asked those questions.

Gordon Jespersion: Discussing this issue with other people and my neighbors, I don't look at adding two at-large commissioners as trying to overcome the single member districting. To me it is getting the best and worst of both worlds. You are getting the single member accountability aspect of it, but at the same time you're keeping the regional aspect of it. Regarding Michael's

point about having somebody revert back to behaviors that got us into our situation now. I don't think that would happen especially with a seven member commission in that you have to convince an extra person to go along with you to get a majority vote. There is not going to be the ability for that because you have five people looking out for their districts and hopefully having their focus brought by the other two on the regionalism of it.

Michael Q. Rogers: I certainly understand and I think that our dialog is helpful. We are now beginning to eat the meat if you will, and that is good, that is healthy. If history has taught us anything, anybody can be assassinated, anybody can be taken out. Again, I don't want to not think about the issue of internal accountability, I don't want to give that an easy green light, go. I really want some checks and balances to ensure that the citizens can walk in their neighborhoods with an assured confidence that the right things are happening. I want the records to reflect that we took diligent time to explore these avenues and develop what we can to make sure that if we stay with five districts, or we extend it to two at-large; whatever we do, do it based on quantifiable data and do it because we have a qualified belief that it is going to work and work well, without adding additional expenses to the citizens.

Roy Lyons: One of the things that come up when I am talking to citizens is that when they go to the polls and find out that they can't vote for all commissioners they are going to want to change it back to five at-large. This has happened in two other counties but it doesn't help now. We have to decide what our job is here. Are we going to take what the citizens have given us and try to give them the best system that we can, this at large with the five single member districts where people can go and see their commissioner and vote for them; and we have the two at-large commissioners who will take care of our regional issues. I think that it is excellent.

Mary Cooperman: The consensus is that the single member districting will go away. I was all for seven and I have fluctuated too. I am totally against either one of the at-large commissioners being a chairman or mayor.

Chairman Cummings: I think that the seven commissioners will provide more checks and balances. I think the combination will work. In the Town of Orange Park there are five seats; not a district, it is too small to have them. I have been working with DOT, Centex and our Town Manager regarding I-295. There is such a cluster in this area causing bottlenecks, etc., which is a huge issue. Centex gave us \$5,000,000 and that might seem small, but if I am a single member district commissioner, whatever district I am in, that would affect the entire county as much as it would for the Town of Orange Park. This is an example. This combination may work better in the long run.

Mary Cooperman: We are talking about regionalism and what can be done. The Metropolitan Planning Organization (MPO) has stated that we are going to get a bridge at State Road 21 in Middleburg, a Black Creek Bridge, and a bridge on County Road 209; all of this is in the bank. Normally we would receive \$180,000,000, but funds were cut because we turned down the Cecil Field Plan and the governor is punishing us. We are getting money; there is a new program called TRIP and there will be funding for our projects. This is regionalism; transportation, highways, roads and bridges.

Rob Bradley made a motion requesting that staff prepare an amendment to the Clay County Charter expanding the five-member Board of County Commissioners to seven members with two at-large; having the two at-large members living in two separate districts to be drawn by a reasonable formula prepared and approved by the BCC. Roy Lyons seconded the motion. After a lengthy discussion the motion was withdrawn and another one stated as follows:

Rob Bradley made a motion to ask legal staff prepare an amendment to the Clay County Charter that will expand the current five-member Board of County Commissioners to seven members; two of them as at-large. Furthermore, the two at-large members will live in two equal but separate districts; those boundaries to be determined by the Board of County Commissioners. Furthermore, the terms of the two at-large seats will be staggered; one having an initial term of two years, and the other an initial term of four years, both at-large seats will have four year terms thereafter, the member with the initial two year term will be considered as a full term. Furthermore, the first election for the two at-large seats will take place in 2008. Ralph Puckhaber seconded the motion, which carried 15-0.

Recess

Agenda #5: Should the BCC 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.

Bill Garrison: I have completely changed my mind about it. I am very impressed with the new county manager at this time. I don't know if he had actually been hired then, but the idea was that the county lacked a central leadership figure to point us in the right direction. Frankly, I think that we would be doing well to get the county commission expanded to the two at-large. I personally think that it should be removed from the list.

Ralph Puckhaber: I have never liked this idea personally. I really had no plan to support it, but since we are talking about it I will follow-up a little bit on what Rob suggested last week that we provide a list of non-charter recommendations to the BCC. I think that there are a couple of issues, this being one of them that I would like to place on a list of recommendations for the next CRC to consider four years from now. I don't think that it is appropriate to consider it now. I think that it has some merit, but I don't think it is the right time.

Chairman Cummings: Mr. Watts said that in Volusia County it has been proven that this would be a “weak mayor.” I think that the two at-large help with some of that leadership and I concur with both Mr. Garrison and Mr. Puckhaber.

Mary Cooperman: I was impressed with the new county manager and I do feel he is a strong county manager. That is what swayed me from seven commissioners back to five because I thought that he would be strong enough to handle this without interference. I think that any title put on a commissioner will be interference. I am against any kind of a title as Bill Garrison has also stated.

Una Cornelius: I think that the BCC meeting for the county commissioners is not set by the county manager so there has to be somebody in charge of their meetings. I don't think that there

is a real problem with what they have now. They choose their own chairman for the year and switch it off. At this time I don't see a need to change that. Mr. Behring would not be running their meeting; he would be putting the agenda together.

Rob Bradley: I have real concerns with how it is currently conducted. The job of the county manager as our charter is currently set up is to run the ministerial day-to-day operations of the county making sure the pot holes get repaired, etc. I understand that he is going to have a vision to recommend where they are going and to me that is more appropriate for our elected officials. In other words, when I vote for the president every four years one of the good things about those elections is that we can kind of take a step back and say what general vision I want for my country for the next four years, am I happy with what has happened the last four years. That is why they get their mandate because when they go out and sell a particular vision and they get the most votes then that is the direction that the government will go. What I see right now is one of the reasons that we have what I perceive as a disjointed or lack of vision and that is the fact that there really is no chief policy maker. You will have a chairman that has some decent ideas and then the next year there will be a new chairman. There is never any follow-through, never any vision. One year is not enough time to carry out a vision particularly when the last six months you are kind of a lamed duck. I don't know how to handle that problem, I am just telling you that I think that it is a problem. It might be something that can be discussed. I hear everybody's point and you don't want to overreach.

Una Cornelius: Do you think that was because the commissioners were not following the charter?

Rob Bradley: I see it as two separate issues. The county manager was allowing the commissioners to violate the non-interference clause; shame on the county manger, shame on the commissioners. It was sort of engrained in the culture and it just happened, a carryover from before we had the charter. You had the same players and I am not trying to revisit that, I see it as a problem of day-to-day management. That is a problem with going out and fixing a pothole, a streetlight, getting the garbage picked up, etc. Commissioners should not be dealing with those issues. He should be dealing with over-all policies for fixing those pot holes and let's budget this amount to give it to the county manager to implement. I think that we are doing things to address that problem with our non-interference clause. I am talking about something entirely different. In Jacksonville, one of the real benefits of their government is the fact that they have a mayor's race every four years. One of the benefits of our state government is that we have a governor's race every four years. That race is not about did you get your street paved. It is about what is the vision for the next four years for the State of Florida. What is our vision for the next four years for our country, and we don't have that. We are kind of bogged down.

Bill Garrison: We should be electing visionary people. We should have five or seven of those people on there. I understand what you are saying and I was a proponent of it at one time, but we have an elected person to be that leader. Our charter calls for the county manager to be the chief executive officer of the county and part of that is that he does an annual state of the county report where he provides advice and gives some vision.

Rob Bradley: I don't know how much he has as far as political capital to expend. He can't stand up there and say I want this to happen and the reason is that I have the majority of the people behind me to do it. He doesn't have that and he doesn't have a mandate politically, nor should he.

Gordon Jespersion: We are all obviously impressed with the new county manager, but honeymoons end and other job offers come along. When Orange County, North Carolina calls and offers him a lot more money he is probably going to be tempted especially if he has had a good record here. I am not sure that he is going to be as concerned about the regional vision that we have talked about as he is going to be in making sure that the minutia of the day-to-day operation, the management so to speak, happens.

Rob Bradley: His job is to make sure that everybody shows up on time, that they do their job, and the right guy is hired.

Michael Q. Rogers: If you take away his paycheck he is going down the street is what he is saying; so we have to look at building continuums. The infrastructure needs to be really strong regardless of who is in charge.

Roy Lyons: If that county manager was an elected position then the commissioners could change their commission person in charge every year with no problem. But since we have an appointed county manager we need somebody on the BCC who sets the agenda, who has a regional vision. The legislative branch is accountable to the people and it is constant for four years. The expression weak mayor comes up because he doesn't have any power, but he is in charge of the commission.

Rob Bradley: He can have things that can make him more than that without giving him executive powers. For instance, he could appoint all of the representatives of the county or himself on the MPO, etc., I think there is a certain bully pulpit that comes with running in an election whether it's for a mayor or chairman, etc. George Bush doesn't vote on any legislation, but when he pushes legislation there is a pretty good chance that it is going to get passed. Jeb Bush doesn't vote on any legislation.

Chairman Cummings: Let's be clear that we are not discussing the executive side of the county manager. We have looked at that role previously to help him with his job. What Mr. Bradley has said loud and clear is that on the legislative function, where the vision and the policy making will take place, who is that central leadership figure. The format that it is in now I am not necessarily comfortable with placing on the ballot, or to make a recommendation. However, I think that from our discussion that it is important for us to continue to discuss this issue. I have also heard citizens say that the strong mayor, one who is on the executive branch; which is what Mayor Peyton in Jacksonville is, that when you reach a larger population of about one half million, that would be a good time to do that. I don't know about a formula. What I hear over and over again is that a BCC chairman who serves a one year term may have a lot of vision and a lot of good ideas but they don't get to carry them out; there is no continuity. Whatever it is; is this the solution for that, I don't know. I think that is where this discussion needs to continue.

Bill Garrison: Let me just make my point about the county manager. I appreciate the fact that he is not a legislator, I understand that. In the charter and in the Administrative Code they are almost verbatim “the powers, duties and responsibilities of the county manager shall include; reporting annually, or more often if directed, to the Board and to the citizens regarding the state of the County, the work of the previous year, and recommendations for actions or programs for improvement of the County and the welfare of its residents.” Further down, “Reviewing, analyzing, forecasting trends of County services, making reports and recommendations to the Board with regard thereto.” I specifically asked the county manager in Keystone Heights, how he viewed his role as being this central leadership figure. The county manager said, “I have to get my internal house in order before I worry about my external house. I personally feel that he is going to worry about the external house. That is my point.

Jim Gann: But will the next one.

Roy Lyons: You can't worry about the next one. We are trying to set up a system that they all can work under. He is not accountable to the people; he is accountable to the Board. We need somebody visionary on that Board that is in charge and accountable to the people.

Mary Cooperman: How do you figure that the Board is not accountable to the people?

Roy Lyons: I said the county manager is not accountable to the people. The Board hires and fires him. He is not accountable to the people.

Chairman Cummings: Any other discussion on this issue. Are we at a point that we want to continue discussing this at our next meeting?

Jim Gann: I came in here thinking that number five should be out and Rob should be a trial lawyer because he has changed my mind.

Una Cornelius: Suggested that they table this. At this time she keeps changing her mind.

Rob Bradley: I am not so sure that there might not be another approach that we haven't thought of so for that reason also, I think it would be appropriate to continue.

Una Cornelius: One of the things that I think about is if you have a person who is a strong mayor, the weak mayor, whatever you want to call him; for four years putting all of the commissioners on different boards that they represent, you get somebody in there for four years and won't allow any switching around and always applying the same commissioners, I can see where that could be a problem for four years. I see some good points and I see some bad points.

Roy Lyons: That is the way our government works though. The mayor does it, the president does it, and the governor does it; that is the system. There is continuity and where in the other system there isn't.

Gordon Jespersen: I agree that we should discuss this more at the next meeting. The is one issue that is going to overlap no matter what form we put in if we are going to vote on whether this is going on the ballot or not. If it is an at-large commissioner from which of the two districts will be

the chairman be from. That is something to think about if we are trying to fashion a new approach.

There was a brief discussion regarding which of the two at-large or if another commissioner could serve as the mayor. No action taken.

Ralph Puckhaber: I too will admit that Rob Bradley made some very good points regarding this issue and I am not sure that I am ready to go with this yet because it gets too complicated. You are the legal mind and if you can figure a way to make this a single subject matter item.

Gordon Jespersen made a motion to table agenda item number five of the agenda to the next meeting of February 16, 2006. Bill Garrison seconded the motion, which carried 15-0.

Agenda item number 6: Discussion on constitutional officers.

Mary Cooperman made a motion to table this issue to the next meeting of February 16, 2006. George Espada seconded the motion, which carried 15-0.

Agenda item number seven: Discussion regarding independent counsel as opposed to county counsel for the charter revision process.

Karen Lake: I began talking to Allen Watts after our meeting last week about independent council. I thought it might be a great topic for us to discuss whether or not we want to have an attorney from the outside to help us with some of the issues that we face when we talk about the charter. I kind of see that as an evolutionary step, but certainly is no reflection on Mr. Scruby or his work with us. It is just an item for conversation.

Chairman Cummings: I believe that the charter reflects that the CRC can retain staff, independent counsel, or whatever is necessary to get the job done. This would be a non-charter recommendation to the Board for future CRC's that they could consider obtaining independent counsel. I have spoken with Mr. Scruby briefly when I found out Allen Watts' relationship with Columbia County, and that he had worked for other counties as well. There was some independence there and I told Mr. Scruby that sometimes he was placed in a difficult position. Mr. Scruby has always told me that if he was ever placed in a position about him being employed by the BCC regarding consultation or advice that he couldn't provide to us that he would recommend independent counsel. I think that everybody can say that Mr. Scruby has not inhibited any progress of this CRC and he has always provided us with answers in a timely manner. Quite frankly, he has been very supportive of all the guests that we have invited although he may have a different view. He has served us well. I discussed this issue briefly with Mr. Watts and he told me that he thought our CRC process was impressive in that we are not only receiving good guidance, but we are also bringing in guests from the outside. He doesn't see that the current method of our session is detrimental to our work; but it doesn't mean that the future it would not be in the best structure for a CRC. I would suggest that in the essence of time, we place this issue on our non-charter recommendation list. At our final meeting we will make the final decisions on what all of the non-charter recommendations to the BCC will be.

The floor was opened for discussion.

Roy Lyons: Mr. Scruby has been extremely helpful to this group and has done a great job and we could not ask for anything more. He has also come under what I consider very unfair criticism from people with things that go on here. He should not have to put up with it.

Mr. Scruby: I was impressed with the item that was placed on this agenda because I think that it is a very important point to discuss. I think that you really should think about it and discuss it, not to say that I don't want to serve you. At the first CRC organizational meeting I explained to you that my client is the Board of County Commissioners and I am here to serve and assist you; but to the extent that there was ever a problem where I thought that there was a conflict between the BCC and the CRC, I would have to step aside and I would have to inform you. That is really an ethical duty of mine and not something that it just born out of loyalty or anything like that. It is an ethical responsibility for me to identify potential conflicts and to tell you about them. I think that it is tremendously important for any charter review commission, perhaps especially even this one that has been so active, that has taken such leaps if you will, in terms of exploring ideas for the county. Your independence has come under fire, people who frankly with very little knowledge about how this came to be and who would be surprised to hear you with your discussions. They would really be surprised who think that you have been hand-picked to do somebody else's job. Your independence, your need to appear independent is very, very important. To the extent that I am here providing service to you, that is just another knock if you will on the appearance of being independent. I did not take it any other way other than it was a timely and a good idea to talk about. I know that I can serve you in a couple of other ways. I don't try to participate in your debate because otherwise I can't advise you if I am going to debate with you too. When you bring in officials from the county to present their point of view, I am a charter official, so where do I cross that line if I start talking about how the county attorney's office should function and what I think about that. That could present a conflict. There is a place for that discussion and I don't want to preempt your thoughts, but I want you to know that while it's a pleasure to serve you, I completely understand how it might seem for you or for future CRC's to maintain that appearance of independence. I am happy to serve or step aside.

Chairman Cummings: I would like to get this on our list for future discussion and I compliment Karen Lake for getting this on the agenda and I think that it is valid.

Ralph Puckhaber: I started worrying a little about a conflict, this is pro-bono work – it is additional duty and hours that you have to work that we should really be paying someone to do. I was impressed with Allan Watts because he has worked with other counties on a regular basis and he has some ideas that are not so focused. I think that Mr. Scruby's history and time of service to the county have been invaluable to us, and how we progressed to where we are now. I would not want to loose that. Someone who specializes in charter review and writing like Allen Watts might be a better choice in the future and it eliminates any perception that things are not above board.

Mr. Scruby: The idea that I have not been treated fairly comes with the territory. After 20 years of service you know who you are and you know what you're feelings are about your job and your responsibilities.

Ralph Puckhaber: It is just a perception rather than reality, it eliminates the perception, and this county can certainly afford it. The county hires outside attorneys from time to time for other reasons. This is as good as any reason as the county ever used to hire an outside attorney. It actually allows our county attorney to be a different type of resource, more of the history and how the charter got to where we are. It is obviously too late to change and I agree 100%, regardless of the perception there has been on that. I suggest to the commission putting together a letter of recommendation to the next CRC. This is one of the issues that I thought should be included.

Chairman Cummings: Asked Karen Lake is she would do research about the cost for independent counsel in that the information would be helpful as they continue their discussion to recommend this issue to the BCC. Further, Mr. Scruby would be beneficial in implementing the CRC's first organizational meeting.

Mary Cooperman: I think that Karen's idea is excellent. When I was pursuing number six on the agenda, I felt like it needed more than I am capable of. I thought of Allen Watts and discussed this with him at the meeting he was a guest speaker. H has such clarity on how to formulate a recommendation to place on the ballot and the legalities. We don't have that. He would be able to help us.

Rob Bradley made a motion to add to their list of non-charter recommendations that all future Charter Review Commissions hire independent counsel. Roy Lyons seconded the motion, which carried 15-0.

Una Cornelius: Columbia County Manager Dale Williams stated that all new employees in his county are trained as part of their orientation process. Too many Clay County employees do not know about their Home Rule Charter and they should be educated and have a firm understanding of it and how it works.

Una Cornelius made a motion recommending that all county new hires be educated on Clay County's Home Rule Charter as part of the orientation process; that it is reviewed and it is understood by the employee. Seconded by Gordon Jespersion, which carried 15-0.

Mark Scruby: At the last meeting I was directed to amend the non-interference clause to include the following language: "Rob Bradley made a motion to direct staff to prepare proposed charter language for public hearing that reads as follows: Except for the purposes of inquiry or information the county commissioner shall not give directions to or interfere with any employee, officer or agent under the direct or indirect supervision of the county manger or county attorney or commission auditor. Such action shall be malfeasance within the meaning of Article IV, Section 7a of the State Constitution. Noting contained herein shall prevent a county commissioner from referring a citizen complaint or request to the county manger or county attorney or commission auditor. Roy Lyons seconded the motion, which carried 14-10." My initial take on it was to simply add the provision that says it is malfeasance. But after looking at it more closely, I realized that we were also talking about striking the first sentence and then including the commission auditor within the two restrictions; one was a restriction and the other was the safe harbor. What really was difficult about this as I was fashioning the language for the charter itself and then moving on the ballot title and question and you have to understand that

there is a statute that governs how referenda appears on the ballot. Among the rules that apply to that, is that there has to be a statement or an explanation, and it has to be a fair explanation about what is happening. It has to be no more than 75 words. What I am presenting is exactly 75 words and I have worked on it for several hours trying to come up with a way to trim it down. The first time I did it, it was 160 words or more. There are four extinct things taking place here. The first one is to delete the first sentence. I want you to know that it was difficult for me to avoid making it appear as though that statement was being completely eliminated from the charter because it still exists in the next sentence. Because I had such a difficult time with framing the ballot question I softened it by just saying, "Shall the Clay county Home Rule Charter's non-interference clause be amended by deleting the first sentence authorizing certain commissioner communications with certain personnel, etc." I did not try to embellish it any more than that. In the next phrase I left in, "by prohibiting commissioner directions to or interference with commission auditor personnel except for inquiring information, so when you're at the ballot and you haven't paid close attention as maybe we all would hope, at least you see it there.

What I wanted to say to you about this is if you strike that first sentence, I am wondering if the context of the first phrase or clause of the second sentence becomes detached and somewhat bouncing off of the walls, and there is really not a connection any more. The reason I say that is the first sentence was intended to make sure that commissioners did not have to walk away with their mouths closed; they could call and the charter did not prevent them from picking up the phone and asking how many trucks do we have in the service in the fleet right now. That is a simple question and may be a little too simple. How many road crews do we have, etc. If the employee he called is deep in work and can't do it, he could refer him to his boss who may be able to find someone to do it. That is fair, that's not interference and the commissioner would not want to interfere with that employee if they were busy doing something that they couldn't pull away from. I am wondering if that first sentence maybe does have a better place to stay there because it leaves the next phrase like an orphan. If you take that whole first sentence out it will read: "Except for the purpose of inquiry or information, a County Commissioners shall not give direction to or interfere with any employee, officer, or agent under the direct or indirect supervision of the County Manager." It sounds like we are making an exception to them interfering with, or otherwise giving directions to, you see. I don't really think that was the context of it. The stricture here is, don't interfere; don't give directions. But we have said up above they can ask questions and seek information.

Bill Garrison: Haven't you set that sentence in the first six or eight words of the second sentence, "Except for the purposes of inquiry or information", you just gave him permission to do it right there.

Mr. Scruby: I am just offering it for your consideration. Reading it, I am wondering if it doesn't give the impression that except for something, I can interfere and I can give direction.

Bill Garrison: I do understand and I was curious as to why. I missed the communication that you sent to us about this issue. In other charters the phrase that is used is, "are expressly prohibited from." Why does it have to say shall not give? It is very clear to me in the other charters and I will read again from another charter, "Except for the purpose of inquiry and information, the Board of County Commissioners and committees of commissioners are expressly prohibited

from interfering with the performance and duties of any employee of the county government who is under the direct or indirect supervision of the county manager. It gives them the right to ask for inquiry and information, but it strongly tells them you are prohibited from interfering.

Mr. Scruby: I have a problem with that charter provision. I don't understand then how the BCC can set policy at all, because honestly, the county manager can't be the servant to the entire Board for all of their committee work and their business of making policy. They have to be supported by staff. I think what the rule here is that a commissioner is not supposed to get involved in the operational side of county government. A commissioner isn't. I have a problem with where it says that the Board of County Commissioners, nor a committee of the Board, because then you really do get into the question about exactly what can the committee do to staff itself. How can the Board even staff itself? Can they call somebody up to the microphone? Honestly, I am pondering that and I don't know how they work that in that community. But in this community, the idea of it has always been that one individual commissioner can't interrupt some other task that a person has been appointed to do.

Bill Garrison: If you read through all of the charters, they all have the non-interference clause and they are broken down into two types of language. One is similar to ours and the one I gave earlier is the same in several other counties. This one is Brevard County and is identical to Columbia County and a few of the others. In light of what we just went through, my goal was to do away with this language. County commissioners may communicate with employees, etc., take that out of there and say, "you are expressly prohibited from interfering. It gives them the right to communicate, "Except for the purposes of inquiry or information."

Mr. Scruby: This is all that I am saying, this is your referendum to decide on. The stricture is - the prohibition is; don't interfere, don't give direction. When you qualify that phrase and you say except or now, I don't care what follows it, when you say except, don't interfere, don't direct, there is an exception here where I feel there is an area where I can interfere and I can direct.

That is what I am saying. Exception is a carve-out and it is an orphan now because it makes its meaning better. It is a much better meaning when the first sentence is there because the first sentence really fleshes it out, they can ask questions, they can seek information, so that it doesn't collide with the next one, that it is clear. We are saying that they can ask questions, and then it makes sense to me.

Bill Garrison: How about this order, "The Board of County Commissioners and committees of commissioners are expressly prohibited from interfering, etc., etc. Then the next sentence could say, county commissioners may communicate with and do that.

Mr. Scruby: You just switched the order of them.

Roy Lyons: I really don't have a problem with except for inquiry or information, they call up and they can talk to anybody that they want to.

Michael Q. Rogers: Mr. Scruby is it possible that a county commissioner can call an employee and ask a question and be perceived implicitly or explicitly as interference.

Mr. Scruby: Absolutely. If the whole system breaks down and a commissioner calls up a road crew chief that he knows works in his district and he says, “so and so called me and said that he has a pot-hole on his street, could you check with your supervisor and see when they might be able to get to that”, yes I will get right on that, thank you. The control system breaks down. That is where your manager steps in and says wait just a minute, I’m giving direction to these people, I’m telling them what their course is. You give me a budget, you give me the policies, you tell me what you want to happen here and I will make it happen, but you don’t pick up the phone and direct staff. That is the problem. So the employee’s who get that call need to be trained to say, I will refer you to the receptionist to put in a work order for the constituent. That is really what they need to be trained to do so that you don’t have that kind of control breakdown. If you are a road crew superintendent and you get a call from a county commissioner, you ask that question.

Michael Q. Rogers: Thank you Mr. Scruby, your response just proved your value.

Mr. Scruby: All that I am trying to say about that issue is that I think that you made an orphan out of “Except for the purposes of inquiry or information, a County Commissioner shall not give directions to or interfere with any employee, officer, or agent under the direct or indirect supervision of the County Manager, etc.” The second point that I wanted to make was that I understood adding in the second sentence putting the commission auditor in the scope of protection of those employees that certainly does make sense to me as well. The commission auditor ends up with a staff as the county grows, that person needs to be in charge of that staff, just like the county manager needs to be in charge of his staff. The third sentence, absolutely, no problem with that. The fourth sentence, you might want to ask the auditor about that. I am not sure that it is placed right because I am not sure that the auditor is an internal control officer. He is somebody that is going to there that you want to be referring citizen’s complaints and inquiries to. The public can always go to the commission auditor and say I want to see this record or that one; it is the public record law. This is out of the original charter and if you almost wonder about referring citizen complaints and inquiries to the county attorney, you almost wonder about that. I have no limbs so to speak, I can’t pick up the phone and order somebody to go do something, nor do I want to. Many times people will call me with a zoning question or problem and they said I couldn’t do this, why can’t I, and I will say, “these people don’t work for me, moreover, they ask me for advise, I don’t go running upstairs when a constituent calls and says, you misconstrued the rule and this is unfair, can you image how chaotic that would be. It happened to me one time when I was first hired in as an attorney and I told this story to Mr. Bradley as a heads-up. I had a constituent who was also a friend and he called me and said, can you take out your code and look at this section, and I looked it up. Does that mean such and such and so and so? Yes, I guess so; well they don’t think it means that down stairs, when I told them they won’t give me the permit because they say it means this. Now, do you see where it goes? I learned my lesson very quickly that I don’t go out there and give opinions, although people would like for me to about matters of law, or charter, or county policy, or anything to the public because I can’t serve them that way. I can serve them through the Board but not that way. I am not saying to remove the county attorney from that. I wonder if you add the commission auditor to that are you aware of what that might portend if you were dealing with constituents who are now making complaints to the commission auditor. What he is going to do about it? He takes his direction from the BCC. If a citizen comes in and says such and such and so and so, the auditor already has the duty to bring that to the attention of his bosses and to deal with that. I caution you on the first sentence; the

first phrase and then the commission auditor, to think those through only because of the concerns I have for the execution of it and the interpretation of it.

Ralph Puckhaber: Mark, the last sentence to me isn't really dealing with a citizen calling you, with the example you gave us. It says, "Nothing contained herein shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager, County Attorney or the Commission Auditor." They are not going to refer something like that to you in the first place. We added the commission auditor so there wouldn't be any question about them referring something to the auditor. But it is a referral from a county commissioner; it doesn't say anything about citizens calling these people directly.

Mr. Scruby: I will joust with you on that. If I say that I am going to have to refer you to Mr. Bradley, I expect you to go to him, and I don't want to see you anymore. When a commissioner refers a citizen to me, he or she expects me to handle it. The charter says that it is ok. Yes, you are talking about a direct referral. The citizen wants an answer from you and if you try to translate it into the commissioner and let it go back to the constituent, then you are in trouble.

Chairman Cummings: Is it important for us in the last sentence to have it worded to include the county manager, the county attorney and the commission auditor?

Mr. Scruby: The county attorney is already in the charter.

Chairman Cummings: I thought that our intent was to address those employees who are under the direct or indirect supervision and the interference of the county commissioners. We were not discussing citizens.

Rob Bradley: I don't think that we should mess with the county attorney for the very reason that it is already in the charter.

Mr. Scruby: I am saying to you, I have not spoken with Mr. Price about this and I am suggesting to you to invite him to at least in writing, give you a comment on that question. Just say, this is an issue that has come up, do you think that this would serve you, or not.

A lengthy discussion ensued; it was the general consensus to table the non-interference clause to the next meeting.

The Home Rule Charter Seminar will be aired on February 6, 2006 at 1:00 p.m., February 15, 2006 at 1:00 p.m., and February 17, 2006 at 4:00 p.m. You can request a DVD or tape of the meeting at the county manager's office.

The next meeting is Thursday, February 16, 2006 at the Town Hall in Orange Park, 7:00 p.m. After the CRC meeting of Thursday, February 16, 2006, all of our meetings will be held in Green Cove Springs.

The meeting of Thursday, March, 2, 2006 will be held in the Tax Collector's Meeting Room.

The First Public Hearing will be held on Monday, March 20, 2006 in the BCC Chambers.

The Second Public Hearing will be held on Thursday, April 6, 2006 in the Tax Collector's Meeting Room.

The Third Public Hearing will be held on Monday, April 17, 2006 in the Tax Collector's Meeting Room.

The CRC meeting for Thursday, May 4, 2006 is scheduled in the Tax Collector's Meeting Room.

Mr. Scruby: I want to caution you on your emails. It's entirely appropriate to communicate to the Chairman an item that can be placed on the agenda for discussion. I would not recommend to any of you that you respond if you receive that collectively, that you then respond and weigh-in on that. If that request is made, that's all that needs to happen, there should not be a response because that goes beyond just simply directing a request to the Chairman. I strongly caution you to resist the temptation to use the send button on your thought.

Chairman Cummings: We have been discussing business that has a lot of substance and we have done a good job; we have a lot of credibility. Our work is fair and equitable; let's continue to keep on that track.

Rob Bradley: Are we going to place the ethics code on the agenda?

Chairman Cummings: Yes. We will be adding many issues to our next agenda.

Discussion regarding independent counsel as opposed to county counsel for the charter revision process.

Mary Cooperman: Inquired if Allen Watts will be considered as a consultant for the CRC.

Chairman Cummings: The CRC will have to vote on this issue as a group if you are interested.

Mary Cooperman: You don't think that it would be worthwhile to hire a consultant, who has written what we are discussing, who knows the format and language for the ballot? We need someone to help us. Tonight we have discussed one issue. We are winding down and this is something that we should discuss. We spend too much time on one issue. He could clear up a lot; we don't want to just push an issue through.

Bill Garrison: To me, this has become a controversial issue at this stage of the game. I don't disagree that in the future CRC's should have independent counsel, but at this point it is not appropriate.

Chairman Cummings: You can call Allen Watts and Ginger Delegal anytime you want. They would give you the same advice as if you were paying for it. Mary, I think, wants to go a step further and bring him in and let him do what Mr. Scruby is currently doing. That is up to the CRC to discuss. We are doing very well in with our discussions and I am impressed with the

issues and questions that we are having. We have seven meetings left and I want everybody to stay focused, and energized; keep moving forward. We continue to be efficient and productive.

Bill Garrison made a motion that the CRC will not consider hiring Allen Watts or any other consultant at this time. George Espada seconded the motion, which carried 14-1.

Public Comments:

Jack Myers

Orange Park

I agree with what Bill just said as far as waiting for public comments. I would like to propose is that after each major discussion, and before you make your final vote, open the floor for public comments. Tonight when Mary talked about having a consultant, I agree with her. I think to have someone like Allen Watts and what impressed me about him was that he knew the pros and cons on just about anything you were discussing. It wasn't to replace Mr. Scruby or anything, I am just talking about having a separate consultant that could give you instantaneously the experience of eight or nine counties on what the pros and cons are on each of the subjects you are discussing. It would help your decision making so much quicker. I am not talking about replacing Mr. Scruby, but layering somebody on top to help the CRC. These are very important decisions and I am tremendously impressed with your discussion and what you say. You really have a great group. To have that extra experience, it would be invaluable. You are going to talk at your next meeting about weak and strong mayors. He knows Volusia County's weak mayor back and forth and he knows the strong manager in Orlando; a strong legislative type of manager and he can tell you about it. I think that it would really expedite your discussion and make your decisions much more qualified. You work so hard to get where you want to be and the way the individual amendments are structured, how they are worded, how you market it, and the integrity you put behind them to make decisions; to just say that Bill Garrison feels this way and Rob Bradley feels that way, is not as strong as saying we have analyzed nine different counties; seven of them have this experience and here is the reasons why, etc. I did receive a call from Ginger Delegal regarding the name of counties that has experienced change over from at-large to single member or vice versa. She gave me four counties that you should analysis and I forwarded them to Chairman Cummings. Ginger could not make any qualifications on anything; she just said that it all depends on the personalities, because she works for these people. I think that with Allen Watts, or if you want to hire somebody else, you get a qualified opinion and the reasons why.

Gary Newman

3496 Red Oak Circle

Orange Park

I want to leave some thoughts with you on the seven member county commission. When you open a door it is good to know what is behind that door and where it can lead to. I think that Mr. Watts gave us a little bit of a picture as to where it all can lead to. From his own words, take mind he is saying "we", so that includes him, he must have been deeply involved: "We abolished the office of the sheriff and created the Department of Public Safety with an elected director who is still called the sheriff, but his official name is Director of Public Safety/Sheriff. We removed from the Clerk of the Court the power of treasury, the audit function, the record keeper for the BCC and gave it to the county manager and his/her appointed finance director department heads. Abolished the office of the tax collector and consolidated the finance department, made the

property appraiser a non-partisan elected officer.” They also took it to another level as far as the school board and made them all single member districts as well. So that is where this can lead you to. He said that Volusia County is an experiment; I don’t feel that Clay County should be a test tube for anything. Think about what you’re doing; know what direction that you are going in. Mr. Williams said, ”I have heard that your CRC is discussing if you should have five, seven, or more commissioners. I am a manager and have to work with those people and five is plenty.” This is just food for thought. His constitutional officers were also affected. The constitutional officers were left alone. The only thing that really changed was that they became non-partisan.” Just keep those thoughts in mind. Know what is behind the door when you open it up. Go back and review the minutes.

Doug Conkey:

PLEASE NOTE: I COULD HEAR FIRE TRUCKS IN THE BACKGROUND AND THEREFORE COULD NOT TRANSCRIBE EVERY THING HE SAID:

You’re seeing how difficult it is to be a commissioner and your goal is to improve policies, procedures and techniques of our charter government. You know change is happening and you have heard Fritz discussing it, you have seen things that are happening and you are talking about it. Mr. Rogers made a comment earlier that just now because of this change you are embarking upon what a charter government is because we have been a mutated form of government; we have never implemented what have now, yet we are going to make changes. I am not advocated change or not, that is your job, I am just saying that you are early in the changes of our charter government when it is just embarking, but you weren’t willing to go and look at single member districts and it’s still early in its process. Maybe you’re discussing adding two at-large; maybe at-large is better. I am not advocating five or seven single member districts, I am saying that there is some comparison there and you are willing not to go with something that is fairly new, yet you are saying that the charter government process is fairly new because of the changes that we are doing. Now actually we can do and practice what we have said that we wanted to do but we have not gotten there over the years. Bottom line is, whether it’s five, seven single member districts, all at-large or some mixture, if they don’t work as a team, the ship is going down.

Fred Birkholz

He was not present, but provided the chairman with comments and suggestions pertaining to matter currently being considered by the CRC. This is attached to the minutes for the record and will be forwarded to the CRC with their next agenda packets.

Chairman Cummings: When we organized in the beginning, we decided to have the public comments at the end of the agenda. I don’t mind changing it. Is there a consensus that after each agenda item that we talk about them and let the public comment at that time?

Roy Lyons: I was going to suggest that. It would be a good idea because there are some people who come for one specific issue and they could make their comments and then leave.

Ralph Puckhaber: If you are worried about getting the public out in a timely manner, you can do what the BCC did. They used to do public comments at the end of their meetings and now they do a time certain at 4:45 p.m. You could say public comments time certain. They could bring up any issue, and the downside is that you are going to continue discussing issues after that which

they may want to comment on. So it is a trade off, either you wait until the end or you put it somewhere in the middle.

Bill Garrison: I am concerned that citizens have to sit in our meetings for two and ½ hours before they can make a public comment and I don't think that is fair to them. If we are going to stay until 10:00 p.m. we need to start at 6:00 p.m.

Rob Bradley made a motion to add a “Time Certain Public Comments” in the middle of their agenda at 8:00 p.m., comments limited to two minutes each. Roy Lyons seconded the motion, which carried 15-0

Chairman Cummings: We have at least four more regular meetings; the other three will be public hearings.

Rob Bradley: You can say a lot of thing about the CRC, but you can't say that we haven't been user friendly. We have had meetings throughout the county so that the public would have a chance to be heard.

Chairman Cummings: We have worked hard to move on and we are doing a great job!

Mary Cooperman: Are we going to have Allan Watts come and help us?

Chairman Cummings: I have spoken with Mr. Watts specifically about the independent counsel issue and he told me that he did not see a benefit of him joining our process at this time. If you want to go out on your own and discuss it, you can. He does not think that the timing is right to do this. To me that is why we brought him here. He talked about all of the things that Mr. Myers mentioned this evening. I read him loud and clear that it was an experiment and he can't say if it is a good thing or not.

Rob Bradley: I agree with everything that Mr. Myers said, but the only thing is that what he recommends is exactly what we have done. We have brought the people in, we heard their testimony and we are doing all of the right things; we are evolving in the right direction by having our non-charter recommendation to have an attorney in the beginning of a CRC session.

Mary Cooperman: I want to talk about constitutional officers.

Chairman Cummings: It is going to be on the agenda next time and that has been an issue that has been stricken from the issue list. I feel free if you want to revisit it. I think that any particular issue, a lot of them we are beating up and discussing because we have to. We should not be taking them lightly and we need to stay focused. The two at-large is important and it is good healthy discussion that we are all in the decision making process and we need to stay focused. This group needs to decide overall what is a priority and if it is something that we want to discuss and if we want to recommend it to the CRC.

There being no further business the meeting adjourned at 9:56 p.m.

Chairman Travis Cummings

Recording Secretary, Ann Mitchell