

**MINUTES
CLAY COUNTY
CHARTER REVIEW COMMISSION
February 16, 2006**

The Clay County Charter Review Commission (CRC) met on Thursday, February 16, 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.

Doug Conkey informed the public he was running for Commissioner, District 2.

Roy Lyons made a motion to approve the February 2, 2006 minutes. Jim Gann seconded the motion, which carried 12-0. At this time there were 12 members present.

Agenda item 3:

Discussion and reconsideration of retaining the legal services of Allen Watts for a specific scope of work during the 2006-06 CRC session. (K. Lake)

Chairman Cummings: County Attorney Mark Scruby informed him that he would not be in attendance this evening. We had a conversation regarding the items on the agenda, including number three.

Karen Lake: I spoke with Allen Watts after our last meeting. During our discussion he communicated to me that one of the most important things that the CRC can do is to write the ballot summaries. It was important enough to him that he stressed it a couple of times with me so that he knew I was aware that no matter who wrote the ballot summaries, they were the key to our success. A couple of days later I read Greg Walsh's article in the "Opinion" section of the Clay Today. He wrote two paragraphs that read as follows: Paragraph one: "Scrubby could be the best constitutional attorney in the nation but he still has a conflict of interest: He is employed by the Clay County Commissioners, who have a clear stake in what the Charter Amendment Commission recommends"; and paragraph two, "Charter Commission members need to know legal recommendations they receive are completely untainted. Clay County residents also should feel 100 percent certain the commission did its best to make fair and impartial decisions resulting in unblemished ballot questions." What comes to me after thinking about is that there may be a perceived risk of independence. Maybe no real risk, and even if that is the case, maybe we can do something to take that off the table by employing an outside attorney at this time. I think that ultimately, after the election of November 2, 2006, and we are sitting back and haven't engaged an outside attorney to look at our work, we might ask ourselves the question, have we done everything we could to make it successful.

Rob Bradley: Did Mr. Watts indicate that he could attend our regularly scheduled meetings?

Karen Lake: He did not indicate that. We talked about his hourly rate.

Rob Bradley: Does he intend to review our business from afar, or is he coming to our meetings?

Karen Lake: I have not asked him that question. He gave me his hourly rate. I am sure that he can come to our meetings if that is what we want him to do.

Mary Cooperman: I have also read the articles in the local papers. After reading them, I know for certain that doubt is cast upon us to be able to do our work in an unbiased manner without influence. Mr. Scruby stated at our last meeting that he worked for the Board of County Commissioners (BCC); he gets paid by the BCC. That automatically appears to be a conflict to the public. We need to have an outside attorney. Mr. Watts is totally knowledgeable, he has worked with several charter counties and it is in everybody's best interest to hire him. He knows exactly how to phrase the ballot. What is the hold-up, let's get moving. We have to do it to be credible.

Rob Bradley: I have completely turned around with this issue since our last meeting. I think that it is in Mr. Scruby's best interest and only fair to him that we do this because it is not fair for him to be subject to this kind of scrutiny. He came in with his best intentions and doing his best; yet, he is darned if does and darned if he doesn't. I will support a motion to that affect.

Roy Lyons: Mr. Scruby is very credible, but he does have an interest with the BCC and you can pick that up when he is speaking. I also have turned around on this and I think that it would be very good. From what I understand he would review the minutes of our meetings and the ballot question summaries. Each ballot summary would cost four to five thousand dollars.

Karen Lake: No, not each.

Roy Lyons: Not each like that? Could we get the BCC to give us that money?

Rob Bradley: I would rather not do a lump sum but per hour because I want him here and not doing his work from Orlando. Quite frankly, as we get closer to our public hearings, issues will be raised, criticisms made, and arguments will be heard about our various proposals. I would like to hear Allen's expert advice on them. We have evolved since his visit with more ideas and I would prefer to do just a straight per hour basis.

Gordon Jesperson: I agree. If he is going to be a participant in this I don't want him to just review the written record. As far as whether or not he is here; if he can participate with a telephone conference call, that is kind of a second best choice. As long as he is a participant in the meeting and we could direct questions to him so he could respond to us while we were in the midst of discussion at least.

Una Cornelius: He said that he would take our case?

Karen Lake: Yes.

Jim Gann: Where is the money coming from?

Chairman Cummings: Under B. Amendments and Revisions by Charter Review Commission, (1) it states: "Expenses of the Charter Review Commission shall be verified by a majority vote of the Charter Review Commission and forwarded to the Board of County Commissioners for payment from the general fund of the County. The Charter Review Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deem necessary to accomplish its assigned task." Mr. Scruby's interpretation of that is that it doesn't say that you might be able to; it enables you to do so. He feels that it is prudent and responsible on our part to notify the BCC of our intent to do that, giving as much detail as we can that may include the hourly rate or projected costs. He thinks that as long as it is reasonable; if you are hiring someone to come in and hire a large group of people to come and consult with us and the total sum is around \$250,000 that is not good use of the tax payer's money. He feels that it is something that the group overall feels is necessary to accomplish our assigned tasks and is a reasonable request, then it would be granted by the BCC.

Mary Cooperman: I feel that the first part of that statement is truly Mark leaning on the County's side, then he follows with, yes, we can do that because it states it in the charter. We don't have to get an approval. At this point we have no credibility unless we change. We are in that corner now. It has already started in the newspapers and it is just going to continue.

Chairman Cummings: I think that our process has been credible and everyone can attest to that. I have discussed various issues with Mr. Scruby and at no time has he told me his personal opinion on anything. He answers the legal matters in the manner that he should, and I think that he has done an admirable job for us. I think that everybody will agree to that. It has been mentioned by many of the CRC members including Ms. Cooperman, that there is a perception that places Mr. Scruby in a difficult position. Mr. Scruby has stated to me that at our last meeting he heard we were concerned that hiring independent legal counsel may slow our process up. He doesn't see that as being a barrier for us. He would be supportive our decision in any way that he can. Whatever attorney is retained; he would be the boss and legal counsel. If Mr. Scruby attends any of our meetings he would obtain the permission from our counsel to do so, so that our independence is apparent. Mr. Scruby stated that it took him multiple hours to write the last draft for the two at-large members he provided for us to review. He said that he quite frankly wants someone to review them who have done them regularly; he welcomes that. That is my comments of my discussion with Mr. Scruby.

Mary Cooperman: I have been friends with Mark Scruby and his family for years. I don't mean talking friends, but social. He is one of the best attorneys around and I love him and his family. I think that it is not to Mark's benefit to be a part of the CRC at this time. He clearly can't guide us because he is owned by the BCC. I want to make that clear.

Chairman Cummings: Mark told me that he admires the work this CRC has done. He commends us for our efforts and objectivity, and has enjoyed being part of the process. He wants to make sure that we know he appreciates us.

Roy Lyons: Our Charter says that the expenses shall be verified by the majority vote and forwarded to the BCC for payment from the general fund. We really don't have a problem. We don't have to get permission from the BCC for payment.

Chairman Cummings: On the CRC's behalf, it would be responsible for us to notify the BCC of our plans.

Ralph Puckhaber: I agree with Rob and think that we should hire Allen Watts on an hourly basis. I would like to see him at our meetings; however, this is a short notice for him to schedule us. He may or may not be able to attend our meetings. Perhaps he may be able to participate by phone, but at the very least, ask him to be here when possible. I think that despite our efforts to wrap things up we may be adding additional weeks and have to postpone the public hearings because of the extra meetings. I support that. I would rather that he works with our schedule instead of his if possible.

Mary Cooperman: Where is Allen Watts located? Have we thought about taking a Saturday for him to come up for a day, or an afternoon?

Chairman Cummings: My first concern is that our discussions are open to the public and we want to make sure that the public can attend. This group has worked very hard and their time with their families is important. Let's work on getting him hired and then we can look at scheduling dates

Karen Lake made a motion that the CRC engage Allan Watt's for legal counsel for the duration of their session, at an hourly rate of \$200 per hour; and direct our Chairman to indicate to the BCC that we plan to do so to give them that courtesy. Rob Bradley seconded the motion, which carried 12-0.

Chairman Cummings: I think that this will be valuable money well spent and we need to be responsible on how much time he spends getting the job done; not be wasteful with the County's funds.

Karen Lake: Could we ask Rob Bradley or Gordon Jespersen to be in charge of negotiating the contract with Allan Watts?

Gordon Jespersen: I would be happy to call him.

Roy Lyons: How do we get him here without having to pay him \$200 per hourly rate?

Rob Bradley: I think that he would be willing to do that. The other issue is when you are dealing with government work you need to be reimbursed pursuant to the schedule of travel per diem contained in the statutes. I would think that his reimbursement would fall under that. He needs to be reimbursed in that manner, not on his hourly rate.

Chairman Cummings: We need to be sure that we get this drafted accordingly to be sure that it is done within the Sunshine Law.

Agenda Item #4: Motion to amend "Working Draft 3-B (dealing with changes to the non-interference clause) by reinstating the first sentence authorizing certain commissioner communications with certain personnel. (R. Bradley)

Chairman Cummings: Mr. Scruby informed me that he did a working draft to address this issue, but was waiting for further direction.

Rob Bradley: This motion was submitted before item number three came to the agenda and I kept it on the agenda in case I went a different way. Now that we have an attorney involved I am withdrawing my motion because I would like for him to be involved in this process.

Agenda Item #5: Discussion of preparation of a report titled “A Vision for Clay County government in the 21st Century” to be prepared by the CRC for presentation to the BCC and the people of Clay County. (R. Bradley)

Rob Bradley: This was a thought that I had. I really enjoyed the editorial from the Clay Today and it was very well thought out. I appreciate the public’s involvement and commentaries. When our session is complete, I would like to see a document explaining what we have done and why we did it so it can be presented to the people in Clay County. They need to know where we are coming from and why we are making these recommendations. This will not be done until we have completed our work. I just wanted to tell you what my thoughts were on this. There is no motion needed, just wanted to get some feedback. It would be on a much smaller scale; for example like the 911 Report developed with specific recommendations, and was backed from various resources received. Our vision for the County is based on the work that we have done. I am not comparing our work to 911, I am just trying to give you an example of a commission that was formed who issued a report and recommendation based on their resources.

Gordon Jespersion: I had the same thought as Rob Bradley. The reason is based on the discussions that I have had with people regarding CRC issues and our process. They have indicated that they did not have time to come to our meetings but have been reading in the papers about what is going on. A report explaining the process and our reasoning would be helpful for them to make up their minds about any ballot issue. It is also a good place to include our recommendations that are not ballot initiatives and other items we think future CRC’s should consider.

Rob Bradley: Right now I think that the public receives their information in a disjointed fashion because we handle different issues on different days and do different things. This would be a way to kind of warehouse it in one place, because to me all of the things that we are doing are interconnected. They can see that we are not picking things out from all over the place, but all together in one total package; a vision for the future.

Chairman Cummings: Mr. Bradley, I think that all future CRC’s could use the content of our report any way they would like to. I also assume that we would also provide some good/bad practices that we have experienced, as well as guidance for them to use in their session.

Ralph Puckhaber: Rob Bradley has gone further than what I had stated at one point; to not be quite so formal, but to present a summary to the next CRC. What Gordon has said is what I have been thinking. On the first section on the ballot you would have questions to explain in a cohesive manner why we are supporting them. The next section would be on the things that the BCC should address like the “Ethics Code”, for instance. The third section would be thoughts for

the future; ideas that perhaps the next CRC may want to take up. In fact, where we have dealt with item three on the agenda (Discussion and reconsideration of retaining the legal services of Allen Watts for a specific scope of work during the 2005-06 CRC session), that was one of the things that I was going to recommend that the next CRC consider at the beginning of their session. I am in full agreement. My only concern is that this type of report is difficult to write by a committee. Someone in this group will have to volunteer, or be assigned to write it. Then it will be group edited.

Roy Lyons: How will this be published and will it be short enough that the papers will run it?

Ralph Puckhaber: I see it as a report that would be submitted to the BCC along with the ballot initiatives. It would become a public record.

Roy Lyons: Can we publish this and get it to the newspapers so they could publish it?

Una Cornelius: I would think that any newspaper would want to have the facts and would only want to print the facts of what this CRC has been working on. I can't imagine any paper refusing to publish it.

Gordon Jespersion: I doubt that any newspaper would publish the report using several column inches. If it is available on the website, they could publish what they want to.

Ralph Puckhaber: It is not going to be that long. It depends on who writes it.

Chairman Cummings: Is there any other discussion, including what Ralph recommended, that someone in this group will need to draft the report? Do we want to move on to the next agenda item?

Ralph Puckhaber: This is something that we need to do by the next meeting. We need to have an idea as to who will draft the report. You are not going to write this in two days. This task will have to be assigned to one individual because of the Sunshine Law.

Gordon Jespersion: I think that you can assign members to write sections of it, and then it can be edited and collated at different times.

Chairman Cummings: Does anyone have an idea about how to break the work up into sections? Do we want to decide that tonight?

Ralph Puckhaber: We can take it up at the next meeting.

Bill Garrison: By the next meeting everybody should bring some ideas with them that they feel should be included in this report. Then we can begin drafting a bullet list and expand it into a full-size report.

Mary Cooperman: I think that this report should not be done in a volume.

Rob Bradley: My vision is for this report to be much briefer than a typical government report. You want this to be readable; you want people to know the concise facts. It should not be so long that the Clay County Line would not want to print the entire document in their paper. It should be brief and to the point.

Gordon Jespersen: You have to keep in mind the audience who will be reading the report. To me, the public has to make a decision about the ballot measures and the future CRC. If it is written concise enough for the public to pay attention to ballot initiatives, with all else that will be going on during an election year, it is not going to be that long.

Chairman Cummings: Is it the wish of the group to come back with some key issues for the sections of our report, subject to change after discussion, and possibly finalized at our next meeting?

Rob Bradley: Recommended that, "Further Discussion of Report" be placed on the next CRC agenda.

Mary Cooperman: Something to think about! Sometimes a newspaper will print the ballot in the paper as an example. They may do that any way rather than something that we provide as a recommendation for the future.

Agenda item #7. (Issue #1: 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).

Chairman Cummings: Provided an updated issue/working list. The issues listed are those that are still being discussed and have not yet been determined if they should go to a public hearing. Issue #1 is our agenda item #7. This has been discussed at length. The floor was opened for discussion.

Jim Gann: There are two separate issues in this agenda item. One is from five to seven, and the other is the strong mayor. That is going to be a two-hard. Which one of the areas is the mayor going to come from, the district or what?

Chairman Cummings: That does confuse the issue. I have read in one of our local publications about this and they did an admirable job of looking ahead to 2008.

Gordon Jespersen: I am not an advocate for it because I am not convinced one way or another. It seems that if we are going to have one of the at-large commissioners serve as the Chairman of the Board, there is no possible way to put the at-large commissioners in districts. They both have to truly be at-large commissioners. To me, the person who would be the chairman would be the one that was elected for the first four year term. I have thought a lot about this and there is no way to make that work.

Karen Lake: There is a way to make it work if he is elected among his membership; if all seven vote among themselves for those two at-large. I am not an advocate either.

Gordon Jespersen: I am just saying that if one of the at-large is going to be a chairman who is elected by the public, then they have to be truly at-large. Unless someone has thought of something that I haven't, I don't see a way.

Rob Bradley: I too have thought of different ways to look at this issue. I kept thinking of ways to do it, but I can't. If you go the route of the mayor position, then they would truly be at-large and you would not be divided into districts.

Jim Gann: Then there could be three next door neighbors.

Rob Bradley: Conceivably. The other thing that I have thought about is if the line is in a particular urbanized area, which it probably will be. You could have that even if there are two separate districts, really. What we really mean is within the two, three or four miles of each other, it is quite likely that could happen even if we decide to divide the county up. The line could go through Eagle Harbor for instance, and so you may have someone who is living south of Eagle Harbor and someone else living in Fleming Island Plantation.

Roy Lyons: When you say "truly at-large", what do you mean by that?

Gordon Jespersen: At our last meeting we said that we would divide the county and one would be from each side of the county.

Roy Lyons: Yes, but they would be elected by everyone.

Gordon Jespersen: Which one of the districts does the chairman come from then. You are penalizing the other district even if they are elected by the entire county.

Roy Lyons: If we divided north and south by population, how do you pick which one they will come from?

Chairman Cummings: The proposal for Working Draft 1-A that County Attorney Mark Scruby prepared for us regarding increasing county commission membership from five to seven, item number (iv) four: "To require the Board to establish the boundaries of Districts 6 and 7 by dividing the territory of the entire County into two parts, each as nearly equal in population as practicable, and without reference to the boundaries of other five districts, with the initial boundaries to be established before January 1, 2008." This would be eliminated is what you are saying.

Gordon Jespersen: If we are going that route.

Jim Gann: The first thing we are going to have to do is to determine if we are going to go from five commissioners to seven. Then we might figure that the other ones are too hard and give that issue to the next CRC.

Roy Lyons: To have them elected by the BCC is an interesting way. One of the at-large could be elected for the four year term as Chairman of the Board, by the Board.

Gordon Jespersen: If you are going to have a mayor that is a figure head for leadership I would think that the people would be the ones to make that decision.

Bill Garrison: Volusia County has this system in place and the way that their charter reads is: "Under Article Three, Legislative Branch, County Council, Composition; Council shall be composed of six members and the county chair. There shall be five council districts, each district shall elect one council member; one council member shall be elected at-large; the county chair shall be elected at-large." So apparently, you run for county chair. You don't strike out to be an at-large commissioner and end up as a chair, you specifically run to be the mayor of the County.

Rob Bradley: Allen Watts talked about why they did that and it was a very specific and deliberate attempt to create a person who is the political policy leader, who has a mandate to be able to get things done.

Bill Garrison: They list the powers. They are no more powerful, they are just a legislator.

Rob Bradley: He gives the state of the county address each year.

Bill Garrison: Which is what the county manager does each year for Clay County?

Rob Bradley: There is no reason why both couldn't do it at separate times and have different focuses. He appoints internal and external committees, whether he serves on them himself, or the others.

Una Cornelius: The Chairman of the Board at the time makes those appointments.

Rob Bradley: If he/she were there for a longer time, that would be more consistent.

Una Cornelius: It would depend if the commissioners got re-elected. Someone might get elected for a four year term, but if they ran again, they may not get re-elected.

Rob Bradley: The appointments are not just for the internal committees like the BFP and Parks & Recreation Committees. It is also for the external committees like the MPO, where Clay County would have one of the commissioners serving a leadership position. That figure would do the appointing. It is more than just having a title.

Roy Lyons: One of the things that we have to do in this county is to become more regional and not so isolated. We must be out there in the Northeast Florida region in order to compete with everybody.

Ralph Puckhaber: I started off dead set against this and after listening to Rob Bradley's eloquent oratory last week I have given this issue some thought. I like the idea and I am not sure exactly how to implement it. I don't think it is a big deal to eliminate the resident's districts for the at-large. Remember, whoever runs for this position has to campaign on a platform, they have to get up and tell people what their vision is for this county for the next four years. The voters should hold them to it. The problem that we have today is that by rotating our Board Chairman every year you can't set a long-term agenda. Nothing against any of the commissioners, I think that all

of them have the county at heart, but each of their visions is different. We just get up to speed and then we fall. I actually like this idea now and would be very supportive of the idea of electing one of the at-large to be the permanent Chairman of the Board. The voters can decide every four years who they want that person to be and not let the commissioners decide among themselves. To me there is no conflict with the seven member issue we approved last week; we just simply have to modify that to eliminate the resident's districts for the at-large. As Rob pointed out, a kind of a feel good thing more than any real thing. If you draw a line north/south down this county they could live right next to each other in Orange Park. If you draw it east/west, they are going to live in Fleming Island. I don't see that to be an issue, so I would be very supportive of this idea. I think that we are going to need some help from our new attorney if he agrees to work for us. We need help to word the ballot summary. The biggest problem that I see is that we are pyramiding two issues. It has to be done in such a way that if the seven members fail, that will automatically die. That is lawyer type stuff to see how to word that.

Chairman Cummings: We are about a minute away from public comments so we need to wrap this issue up, or we can come back to it after the comments.

Mary Cooperman: I don't like the mayor part because the person who would be elected has no experience or knowledge of county government at all. He/she would be telling the experienced commissioners what they are going to do, reading it from a piece of paper and not having the advanced knowledge, or enough knowledge. The commissioners are set up now to rotate each year as a Chairman of the Board, and that is a learning process. Each one learns this way. It isn't like you come in today and you know everything that should be done. You don't come in with that knowledge. I feel like it would be a serious problem for those coming in. They don't even know what is going on and I think that would be disruptive.

Gordon Jesperson: Two responses to that. At the risk of going into a political discussion; we elect governors and presidents all of the time with no experience. Secondly, if they don't know the way the county works; to me that is a perfect campaign issue for his opponents.

8:00 Public Comments

Chairman Cummings: Madelyn Christofoli emailed her comments to me regarding CRC issues. A copy has been provided to each member. Fred Burkholtz also sent an email, and it has also been provided. Both will be submitted for the public record.

Fred Burkholtz:

Non-interference: I support that it be as strong as possible with no loop-holes. As Mr. Scruby reported, and as you said at the last meeting, an inquiry can be interpreted as giving orders and none of that should occur. Regarding adding seven BCC members to the BCC, I am opposed to that for the reason that it is too soon. We have term limits; let's see how it works. Let's wait for the public to become aware of it and see whether or not they think it is a good idea or a bad idea. Put this burden on the next CRC, which is the easiest thing to do. Regarding a "Code of Ethics:" I strongly support that it be in the charter. The Board has had ample opportunity to enact a Code of Ethics and they have not done it. Harold Rutledge made a motion shortly after their difficulties and woes for there to be a Code of Ethics and it died for the lack of a second. I think

that there is no interest at all of the Board to do this, and unfortunately, somebody has to make them do it. Regarding the ten percent rule, this is the best solution to it. Currently it is 10 percent of the last election and the best way to even out the fluctuation is to have ten percent of the last election in which presidential electors were elected.

Chairman Cummings: Anyone can speak at the end of the meeting again if they want to. Feel free to speak about any of the issues on our list, the current discussion, or the issues that will be proposed at our public hearings.

Rob Bradley: Regarding Fred Burkholtz comments about the non-interference clause; I want to make sure that I understand your point. I agree that it needs to be as strong as possible, but are you saying that under no circumstances a commissioner should communicate with someone under the County Manager or under the County Attorney?

Fred Burkholtz: I used to be an attorney and I know that you are. When you say under no circumstances, that's a problem.

Rob Bradley: Obviously, you can say how are you doing etc.

Fred Burkholtz: I think that you have to draw a fine line. Past practices suggest that the line is not working and an inquiry can be taken as an order. I don't know any way around it other than to have a hard line.

Jane Padgett:

It is in the job description of our County Attorney to be the CRC Attorney, which is kind of the function that we started with. To come three-fourths of the way through your session and then say you are going to hire a new one; it is really your decision to make. The first thing that I thought about was the fees that would be charged since he lives in Deland. Let me say this, Mr. Scruby has written ballot amendments before and he is an attorney and knows how look them up and find out about them.

The main thing that I wanted to speak to you about is the report you are going to give at the end of your session. I wonder if you are going to include any kind of organized opposition. As I understand it, the public needs to make up their minds and you want to let the public know about the issues. It seems to me that the only fair thing to do is to maybe show different sides of that issue. Someone said they wanted the facts to be out there. I respectfully commit to you that as I read the minutes of the CRC meetings I have to question some of the quoted facts. I think that you speak from your heart and gut on issues, but when you say things like, well if we have commissioners from single member districts they are just going to be too concerned about their own district and they don't have a global vision. Where do you get that? A Harvard Understudy shows that is not the case. I will also say something else, there is more movement from single member to at-large, than at-large to single member. Those are just things that people don't get a chance to say. You get written up every time you have a meeting and then everything you say is in the paper. You do get a lot of press. Sometimes, people do not get that same privilege. My question to you is; is it possible in your report to state truthfully that there are people who have other points of view. Just reading these statements, I know that a lot of the things that you have

said were gut reactions and not necessarily quoted facts. Regarding the chairman, my question would be is there going to be a discussion for the need of a chairman. What I am thinking is with a strong county manager, which we have not had before. Basically just assigns commissioners to committees. That is about all that he does. Is there a real need for a chairman?

Roy Lyons: The report that Rob Bradley is talking about as far as this prepared presentation for the BCC would be a report on how we reached our conclusions. Not to talk anybody into right or wrong, or pro or con; but how we reached our conclusions.

Rob Bradley: I think that the report will speak for itself when it is done. It is going to be our BCC recommendations and why it should be done that way. If someone else wants to prepare a pamphlet and say it should be done a different way that is ok. It is encouraging debate and discussion. That is my vision for it. It is going to be our recommendations and why we think those recommendations are appropriate in the process that we took to get there. I don't think that it is non-democratic, that is what reports are.

Una Cornelius: We want the facts of how we came to our conclusions. I think that your thought and what we are thinking are two different things. I am talking about the facts because it has been written in the paper that we have voted to do something that we have not done. I want the commission to have a statement of exactly how we came about putting this on the ballot and our discussion of how we got there. That is what I mean by facts.

Rob Bradley: There are certain things that are policy and you might not agree that is the correct policy. It is your right to go out there and say we think the policy should be something else and God Bless you for doing that, it is wonderful.

Roy Lyons: The newspapers have not printed anything wrong that we have done, but there has been some misinformation out there assuming that we have done some things that we did not do.

Gordon Jespersion: Perhaps another perspective of looking at this report would be that it is a two-edge sword. It explains our position, but it also puts a bull's eye on our position for anyone who is opposed to it. That is fine, it is just another way to think about it and it is ammunition for whoever is opposed to what we recommend.

Rob Bradley: When we started this we tried to get Columbia County to come to one of our meetings because they went in one direction, and we tried to get Leon County who went the other direction. Leon ignored our request, so it was kind of by accident that we ended up with Columbia County. I will beg to differ on one thing; it is a fact that we have received expert testimony. Allen Watts is an expert in this area and he gave expert testimony regarding the advantages of at-large versus single member districting. He is more qualified to do so than the average man on the street.

Wayne Padgett: He loves your model. In the US House of Representatives and the Florida House of Representatives they used to be at-large in some cases and after many years they both concluded it should be district. In local governments, you usually seeing a trend from at-large to district, over-all, not either or, it is a trend. U S. House of Representatives has fought this for

years. Race was a driving force, but there are other minorities besides race, like tax payers. We don't seem to not get much of a voice either. They decided to go with district because it seemed that special interest seems to have too much power when you have at-large. Now, if you are for a system that promotes special interest. Those are two or three trends that I see.

Roy Lyons: The House of Representatives was set up based on population, which was by district.

Wayne Padgett: They did go to at-large during the historical evolutions. It wasn't until the 1960's before they finally concluded they all would be districts and they are still districting. You don't have special interest influencing the process no matter where you go. The House of Representatives did fight this battle from the beginning. For a while a few would be at-large, depending on the states; or elect by district and historically, in the 1960's with the civil rights movement, they decided to be all by district.

Gordon Jespersion: I have not totally made up my mind on seven members or the chairman at-large, based on what Mr. Padgett said, and I am glad that he brought it up. If we did elect seven members and two at-large, we just combined house and senate. You have two at-large and the rest are in districts; the best of both worlds and the worst of both worlds.

Ted Boyer

5634 Apache Court
Middleburg

Regarding the lawyer participation, I am the one who wrote the letter you are referring to, primarily because if you use the county or the chamber's lawyer, you are tainting anything that you are going to do looking from the outside in. I will give you an example. One of the items that you brought up was that you wanted to make the county attorney an elected position. Could you participate in that? By the way I am for that, mainly because of this. You can write all of the laws and rules you want, there is no one here that enforces them, nobody. I asked Ginger Delegal when she was giving her presentation if I saw something wrong what could I do. She said to go out and hire a lawyer and sue the city or county. I find it strange that as a private citizen that I would have to go out and hire a private lawyer to sue the county who would be represented by the county attorney, of whom I am helping to support his wages. Something is wrong with that process. Next, the five single member districts, I am for that. One of the arguments that I have heard is that he would only be responsible for his district. Well, they used to be elected county-wide, were they only responsible for their districts then, no. Your Clay County Commissioners represent Clay County, not just the district that they live in. Besides, the citizens voted, they wanted to try this. If you dilute it, you won't see how it will ever evolve. You can have these meetings every four years and made radical changes in the process and you will never see an evolution in the government.

Charles Garrison

5218 County Road 218
Middleburg

This mayor, who is doing his powers that you are planning on giving it to now?

Roy Lyons: It would be the Chairman of the Board. This would be considered as a weak mayor; he is the legislative branch and the chairman.

Charles Garrison: What is the point of creating a whole new position to do the same powers?

Roy Lyons: It is a consistency thing, a vision for the county. He is elected at-large for the whole county.

Bill Garrison: He is elected by the populace to serve as the figure head of the county government for four years. Not just elected amongst the county commissioners. The idea is to try to get some consistency with a figure head to have a long-term vision for the county.

Barbara Davidson:

This has been very enlightening and I have enjoyed every moment of it. On the 15th of November, 1989, I was appointed to the government charter commission for the purpose of drafting a proposed charter for Clay County. I was concerned when you were talking about money, because originally we were told that according to law, the Commission had the authority to hire staff, purchasing, etc. The Board had budgeted \$25,000 for this purpose; however, it must be done according to our purchasing procedures. So I don't know if you need to get the ok from the county before you enter into an agreement with the attorney or not. I also found it very interesting, do you all know why we have a charter and why we got involved in the charter to start with? It came out of a Grand Jury recommendation. So here we are in a Grand Jury again. I have no preference, seven or five or whatever, I just find it strange that there is 21 in Jacksonville, why would we need one third of that here. If that sounds biased, then I am biased. I like to play with numbers and I really don't see comparatively speaking, anyone that is going to propose that we have five, or that we have seven because of what they have done in other areas, just to say there are other county of similar population. That is as you well know the only criteria. It depends on where they are located; there are too many other factors. When we proposed a charter the Clay County Board of Commissioners did not want a charter, they were all against it. In fact, they entertained a motion after it had been passed to place an ordinance on the next agenda to reconsider after it had already been voted on, eight days later. In order to get 50 percent of the people in Clay County to support the charter, we incorporated, some of us from the charter commission, after we had told the county what we wanted to do, we incorporated the Citizens for Clay County Charter Incorporated. We went to the fair we did a lot of mail outs. We are talking about four pages. We gave the county government history, and it is very interesting to note that back in 1868, the Florida Constitution established the structure of county government and went on to say that it would be provided for by a five member Board of County Commissioners whose primary responsibility was to provide roads and levy necessary taxes. The state acknowledged the fact that once that increased to comprehensive measures (water, sewer, etc.). In 1968 the Constitution recognized that some counties may need to change the structure to help them more adequately meet the modern day issues. The Constitution grants local options to advance the counties. Had we not had a political, financial, ethical, you name it problem that got to the Grand Jury, this commission would never have been established. The Grand Jury gave two basic options to the county commissioners. The first was to change to the charter form of government and they gave other county examples; or less drastically, separate the constitutional duties from the comptroller, etc. The charter did what the Grand Jury said needed to be done.

However, don't think that for one minute that the conversation that you are having tonight about the five or seven living next door, and human nature politics, etc.; hours were spent on that. Everyone has their own opinion. We decided that we would not attack the representation in the charter. We were trying to sell charter government. We all felt that if we had gone out and said look, instead of five members we need seven to do a better job for this reason and that reason, whatever reason might have developed into; we didn't feel that we could sell the charter to the people. That is why the seven has always been lying there. The seven was suggested in the government review committee before the charter committee was established. The commission did not go for it then.

Bill Garrison: At that time it was also single member district. What was the motivation of having seven at that time? Why would somebody recommend seven county commissioners 20 years ago?

Barbara Davidson: There was a question at the time as to whether or not if we had seven, would we get a more equitable distribution of knowledge and interest in politics. The biggest problem that many of us had then as I remember, if you are going to having people running in single districts, you are going to be dealing with a limited number of constituents. If you are running for at large, you have the time, effort and expense of doing the whole county. Some of us though that was inequitable, considering that the county is so big and it doesn't make that much difference in the long run, the two more. The seven is not going to go away. There is going to be people who think that it is the way to go. I was interested in what I read in the paper, whether or not you could justify it from a financial standpoint at this point and time. Whether or not people would buy it because it is an additional expense and what insurance do you have that two more will do any better than the five that are there, human nature being what it is, and politics being what they are. I was just thinking back on some of the votes; like you had a four to one vote on the public works fellow. If you had two more people there, you might have had a four to three vote, but you still would have had the same results. Throw it anyway you want to throw it, you could look at a lot of the votes; I don't think that two more votes will make a difference. I really don't. Don't think about what we like or don't like, think about what you are going to be able to sell to the voters. You are not going to sell the voters in my opinion. I wouldn't help you sell the voters an additional expense that is not necessary. That is all that I am saying. When this gets on the ballot, I think three times before I vote, but I really think that you are doing a great job, it is a difficult job. It doesn't matter what decision you reach, or with whom you agree or disagree to reach it. You will have a good feeling that you have done the best you could for Clay County.

Jack Myers:

Make sure that before you get Allan Watts on board that you go through the procurement process of the county. It may be that at this point, they can't authorize it. I was looking at the chart that was passed out by Ginger Delegal and if you remember we talked about some counties to call that had gone to single member districts and visa versa. I gave you the numbers to call because I thought it should go back to the group. I was looking at the break-down of the people in the different counties now, and besides Clay County, we have four single member counties and that is less than 20% of the charter counties.

Chairman Cummings: Tell me the ones that went from non-charter counties to charter counties. Do you recall how many switched to single-member districts and went to at-large.

Jack Myers: I will get those numbers to you, I don't have them today.

Jane Padgett: We discussed this today. I understood from reading the minutes from the last meeting that Mr. Myers had requested the counties who had gone from single members at-large, and had not requested the counties that went from at-large to single member. Are we looking at everything? Are we looking at the other counties and why they went the other way and why they didn't?

Chairman Cummings: I remember at Ginger Delegal's workshop that Mr. Myers asked for both sides of this issue. He may have just reported the one that went from single member to at-large. Personally, I have not looked at either side of that other than to study the information and who is at-large, who is single member, or the combination of both. As far as interviewing them I have only looked at the statistics.

Barbara Davidson: Travis, when you are looking at them, are you also getting the number of registered voters in each of those counties and their annual budget.

Rob Bradley: Yes, we are looking at incorporated versus unincorporated which is a good reflection of it.

Gordon Jespersen: It might be worth just noting one more time that from the beginning of our session any proposal that we have made; we have received the financial impact and cost that it would have to the county. We did not want to be in the position of not being able to answer that question.

Mr. Padgett: Who was the first member to bring the two at-large and a mayor, to come up with this plan publicly?

Ms. Padgett: There has not been a real public outcry for this.

Chairman Cummings: As Mrs. Davison has said, "There is no crystal ball"; you have to feel good at the end of the job. There is always going to be discussion of seven and if the timing right, etc. We are just seeing what is going to happen. We are on the hot seat and will receive criticism either way. I am not going to carry out any orders from anybody that I am making a decision on, and I think that everyone knows that we are independent. There are two sides and I am open-minded and there are a lot of things to think about.

Ms. Padgett: I go to the tact meetings and the transportation meetings. Since we have gotten this new manager there is a big difference in those meetings, I mean big-time.

You don't hear the commissioners giving directions except to the county manager, as long as we have a good, strong county manager. The guy that spoke to us west of here, I spoke with him

quite extensively after that meeting. He basically handled it the way that Fritz does. He goes to his employee and tells them that you answer to me and nobody else.

RECESS

Agenda #7: Issue #1 – 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.

After a brief discussion, it was the general consensus to table this issue until the next meeting. It was agreed that issue number one has two separate issues, and until they have had the opportunity to retain Allan Watts, and have received some comments from him, this issue would wait. Further, discussion ensued regarding if the name of one of the at-large commissioners elected be called the “Chairman of the Board” or “Mayor.” It was determined that “Mayor” is confusing and the following motion was made:

Ralph Puckhaber made a motion to remove the “Mayor” title from issue #1, leaving the title of “Chairman of the Board”. Roy Lyons seconded the motion, which carried 13-0.

Agenda number eight: Discussion on constitutional officers. (M. Cooperman)

Mary Cooperman: I would like to remove the sheriff as a constitutional officer under Public Safety. That would give budget oversight. We have had problems in the last few years about budgets wrongfully spent by the sheriff’s department. When the new sheriff came in, within days he demoted some of his best officers in my opinion. There was no reason given, it was because he could. He brought in people from his previous employment, the State Attorney’s office. He recently gave back one million dollars to the BCC that he said he did not need and I think that is a facade to make him look good. He has also closed some of the smaller stations that were around the county and assessable to neighborhoods. There is huge development in this county. This money could be used to hire and train deputy’s that will be needed. There are not enough deputies to take care of what we had. There were nine neighborhood deputies and now there are five. I don’t know the intent of the sub-station that is located on Blanding Boulevard that was brought last year by the county for one million dollars plus to bring us up to the standards.

Chairman Cummings: You’re particular issue is on placing the sheriff’s department under the public safety and it would fall under the charter and become an appointed position.

Mary Cooperman: It can be either way I believe. Mr. Watt’s talked about this and it has been done in other counties too. This will eliminate another problem that we have to deal with. I think there is an issue of safety. The area from Debary to Target is considered a high crime area now. I don’t see patrol cars around. They are racing on Wells Road every night.

Jim Gann: I am trying to figure out how her proposal has anything to do with the argument she is presenting.

Mary Cooperman: The money turned back, we could have more deputies to safeguard us in the community.

Jim Gann: The proposal that you made, what does that have to do with it?

Roy Lyons: It appears to me, and I could be wrong, that she is currently unhappy with the sheriff.

Mary Cooperman: Constitutional officers are of themselves, one each. No one has the authority, they maintain their own budgets, they are a mini government within the county, and they operate as they see fit.

Roy Lyons: He is elected and responsible to the people. We can vote him out next time. So if he is appointed, who is he responsible to?

Mary Cooperman: We can put this under public safety.

Roy Lyons: Then he is appointed. Who is he responsible to?

Mary Cooperman: He would come under the county manager.

Jim Gann: Not if he is elected.

Mary Cooperman: He can be called sheriff but his official name would be Director of Public Safety/Sheriff.

Roy Lyons: Then he is appointed.

Jim Gann: Very few people in this county want to appoint the sheriff.

Ralph Puckhaber: Let me correct what you guys are saying. I am looking at Volusia County's Charter where they have a Department of Public Safety and it basically says that they would take over the sheriff's functions and abolish the sheriff. Then it says that the directors of the following departments shall be elected every four years: The sheriff, who shall serve as Director of the Department of Public Safety, the Supervisor of Elections; another words, they converted their constitutional officers to charter officers, but still provided for them to be elected. They just called them something else. I am not saying good or bad; someone said that they would be appointed and that is not true, they are still elected.

Rob Bradley: That was the direction we received, you either elect them or put them under the county manager. I agree it is nice to get different point of views.

Ralph Puckhaber: To me there are some problems with it because it says department directors; again, this is Volusia County. The Director of each department will be the principal officer of the department responsible to its operation, etc., except the division heads that are elected. It gives you the ones that are elected. It is kind of odd because you have the county manager controlling the budget and someone else that is elected to run the department. I am not familiar with the day-

to-day operations in Volusia County. Basically, they eliminated the Supervisor of Elections, the Property Appraiser, and the Sheriff, and brought all of them in as charter officials. They made them elected under the charter so they could have a little more control. What it does is take the State Constitution out of the mix and they decide what you will control, or not control.

Mary Cooperman: There has to be a better way and we don't know what it is. I think that we should think about it and when Mr. Watts comes we should have him speak on this issue to see how it can work and how it has worked in other places. If you feel like status quo is what you want, then say it; but if you feel it can be done better, then try it.

Agenda item #eight, discussion on constitutional officers was tabled for discussion when Allan Watt's was available to answer their questions.

Chairman Cummings: Mary, do you want to leave it in the context it is in now, or do you want to specify public safety?

Mary Cooperman: Bring the Sheriff Department under the Department of Public Safety and I think that we will all benefit from it. We need more police and we don't have them. Turning back money and not doing anything about it is increasing the need for officers.

Chairman Cummings: Does the group want to also hear about constitutional officers and how it has been done in other counties?

Ralph Puckhaber: I would not mind if we are successful in getting Allan Watts.

Chairman Cummings: We will leave it as it is, "Discussion on constitutional officers."

Agenda number nine, our second issue that still remains: "Discuss a Charter requirement that the BCC adopt an ethics code by ordinance."

Chairman Cummings: Mr. Jespersen had originally placed this on our issue list.

Gordon Jespersen: I have done a lot of reading and research on an Ethics Code and how it would work. I have come to the conclusion that first, we don't have enough time left, and second, I don't think that it is up to us to specify a specific code. What I would like to see is discussion about a requirement in the charter that the BCC adopt an "Ethics Code." We could specify that it could be modeled by either the state code or some other form. They would be required to do that and it would not only be applicable to them, but to all county employees once it was adopted by ordinance.

Roy Lyons: This is an excellent idea because it doesn't necessarily spell out what they have to do. I think that Commissioner Rutledge is working on something regarding this. To just say that they should adopt a code of some kind is a good idea. Then they can model their own or after someone else. They need to have one in place.

Mary Cooperman: You can't legislate morality.

Roy Lyons: No you can't. The Ethics Code itself would keep everybody in line.

Gordon Jespersion: Mary, I agree that you can't legislate morality, and would not want the code to reflect that no matter who adopted it. You can set out for a set of standards that are expected to live by. There is a wide range of how this has been done across the country. On the state level, the municipal level and on a county level; some has gone so far as to have commissions established that you could bring ethics complaints to. To me that may be a step too far. A set of guidelines would not be harmful if we are not the ones who establish them. I would prefer that it be done by the BCC.

Michael Q. Rogers: I have also seen ethics codes drafted and enforced. For the purpose of the employees understanding, it was referred to as a "Code of Conduct". Again, it was part of the orientation program and it works really well. It does not legislate morality, which I am certainly opposed to because you can't do it. At the same time, it does give employees a clear idea of parameters in which their behaviors will be viewed as acceptable and above board by the employer.

Bill Garrison: I know there is a Florida Code of Ethics. Would it not be suitable to just say that the BCC adopt the state code? I appreciate what you are saying about guidelines and I have no problem with that, but how do you legislate morality; you know the difference between right and wrong.

Michael Q. Rogers: It is not a tool designed in its fundamental purpose to legislate morality. Basically, it's reasonable to expect employees to model successful behaviors as an employee. Again, that is what the "Code of Conduct" or the "Ethics Code" would lay out based on the culture of your organization, based on different things. Other words, things that could get you fired, you need to know what they are.

Bill Garrison: I agree with the idea, ethics in government and all of that, but it has been commissioned and studied to death. It seems to me that it would be adequate to encourage the BCC to adopt the Florida Ethics Code.

Michael Q. Rogers: Let me give you an example of where a Code of Conduct would be very clear. You take employers who are absolutely opposed to employees engaging in inappropriate use of the email systems on company time. Again, we don't care what the interest of those employees are beyond the gate or off the perimeter of the parking lot, if you will. But when you are working on the employer's equipment, you will not send sex-based material via email. The Code of Conduct outlines that. We don't care what the content is, or what the base is; is it sex-based. Again, they could be swinging from the chandeliers on company time, but then again, their Code of Conduct says that this is what we expect of the employees.

Bill Garrison: I guess my confusion about the issue is what the goal is. Are we trying to write an employee guideline?

Gordon Jespersion: I don't want us to write it, I want it to be a requirement that the BCC adopt a "Code of Conduct" for the charter.

Una Cornelius: How can we put something in the charter unless we have a code of conduct? I thought the charter was something that is permanent, like a law. Four years from now they will have already put a code of conduct in. Why would that be in our charter? I think that we would need to adopt the state Code of Conduct, or it can't be part of the charter. It would have to be a recommendation to the BCC. I don't see how we could put this in the charter.

Rob Bradley: It s applicable already and is not something that has to be re-adopted. It is my understanding that people have gone beyond what the state has mandated in certain local governments. My understanding of a Code of Ethics is not so much aimed at don't cheat on your timesheet. For example, it would be aimed more at if you are a purchasing agent; don't contract with somebody who is your brother's company, things of that nature. Conflicts of interest and you can go beyond what is required by the state in local governments.

Gordon Jespersion: In some respects you are stating the obvious when you adopt a Code of Ethics. What appears obvious to maybe the majority doesn't appear obvious to everyone. I have had situations with clients where it appeared obvious to me as an ethical course, was completely foreign to them. I think that what it does especially if we force them to adopt it, is that it makes them set up a standard, in addition to what's there by the state, which has a whole administrative procedure to go through to enforce it. It is much easier if they have adopted it. For the county manager, or county commissioner, or an employee to say, wait a minute, there is a strict code that we are supposed to abide by, and you're violating it.

Rob Bradley: I think that it is more of a message sent. What we are saying by including this in the charter is ethics are important in Clay County. We want to ensure going forward that the government is running the manner that is guided by another.

Gordon Jespersion: One of the reasons that I don't think we should draft the actual code, whether it is called the Code of Conduct or a Code of Ethics is that I have read that some of them are an inch thick or they are a sentence long. You can get them as in-depth as need be, that is up to the BCC to sets policy for the county.

Stan Puckhaber: I like Gordon's idea. You force them to adopt a code. As somebody pointed out, Harold Rutledge made a motion to adopt an Ethics Code and it died for the lack of a second. I am not thinking of this just for the commissioners, this is county-wide. It is a good idea and I think that we should just simply direct them that the county must have a Code of Ethics. Four years from now, if it is not worth it, the next CRC can expand that language.

Gordon Jespersion made a motion that the CRC take to the public hearing stage an addition to the county charter requiring the BCC to adopt a "Code of Ethics" applicable to the BCC, as well as the county employees. Seconded by Roy Lyons, which carried 13-0.

Agenda item #10, "discussion on changing charter amendment recommendation entering public hearing from ten percent of the electors qualified to vote to ten percent of the votes cast in the last preceding election in which presidential electors were chosen.

Chairman Cummings: I placed this on the agenda because there has been some public input regarding this issue. We discussed it early in our session and sent it to the public hearing stage. It did not seem that there was an overall emphasis on making it more difficult, but to address the consistency of the number fluctuation. When we look at the numbers that Ralph Puckhaber shared with us regarding other county statistics on the number of signatures required, we looked at the number of registered voters. It appeared that not everyone seemed to be overly comfortable with what that number of signatures would be. I spoke with Mr. Scruby again today regarding this issue and asked him should this or anything else that we have been discussing that is going to the public hearing stage be revised. He said that if there is a substantive change to the scope of a ballot amendment, then basically, it would possibly require more public hearings. There has to be three public hearings for all of our recommendations for the ballot. He feels that there could be a lot of argument on what would be a substantive change, but he also said that he would recommend that if this group had another solution to send them both to the public hearing, like an a and b. You would have the existing one and another one that you would have a hearing on. Is this something that we want to wait until the public hearings to receive input and make a decision at that time, realizing that we may change the scope enough that it would require additional public hearings; or to throw another recommendation to address that issue that was made?

Ralph Puckhaber: I was the one who initially brought up this issue. If you will remember in our initial discussions I actually proposed making it seven percent of the electors. My concern was depending on what year you chose to do a petition; there was a wide range of the number of signatures that was required. This charter originally required ten percent of the electors, and went even further to require a percentage of those signatures to be from certain districts. My concern was to get rid of this ability to pick and choose when you wanted to try and get signatures to look for a low turnout. A few years ago we had a low turnout of voters. I looked at it and seven percent of electors put them within 130 votes of what was required from the ten percent of the people who voted in the last election. It was never my intention to make it more difficult, it was my intention to make it fair year after year. I still prefer a percentage of electors. I don't like basing it on vote cast in any election. My logic for that is let's make it some percentage of people who voted in an election; you don't limit the people that you get signatures from to those people that voted. You have the full pool of electors to obtain signatures from. I say, make it a percentage of the electors because that is the pool that you are going out and attempt to get signatures from. If you want to say make it a percentage of people who voted in the last election, then you should also say that only the people who vote in the last election are in the pool that you can get signatures from. You can't have both. I don't object; originally I thought seven percent was a very fair number and if people would research it, I think everyone would realize that it is a very fair number.

Rob Bradley: The seven percent in effect does not change how difficult it is.

Ralph Puckhaber: Right, it may make it slightly more difficult, or actually in some cases it may make it a little bit easier, depending on what year you are looking at, kind of split in the middle, the high and low years. It is ten percent of the people who voted in the last general election and that will vary depending on what the turnout is in each election. Again, it was never our intent, but it has been played up that way to make it more difficult. It is not my intent. I think that we

may have gotten a little carried away with the number. Anything that makes it not more difficult, but levels it out is what I was trying to do.

Roy Lyons: Are you suggesting that the seven percent, is based on these registered voters, at what time?

Ralph Puckhaber: I had it on the spreadsheet, I don't know what time.

Roy Lyons: I mean what election.

Ralph Puckhaber: It is how many people were registered to vote at the last general election. Every two years, either gubernatorial or presidential years.

Roy Lyons: Is there any feelings that this shouldn't come from one part of the county.

Ralph Puckhaber: I don't care if they get all of them at the Orange Park Mall.

Roy Lyons: If we are going to put something on the ballot, shouldn't the people in Keystone Heights know about it as well as the people in Orange Park?

Ralph Puckhaber: I think that they should, but I don't like the idea that you have to go and get percentages because that is what you had in the original charter. One of the charter review commissions said well, let's make it easier. It was voted on in 1998 to be changed to make it ten percent. The only concern that I had with that is just that you can pick the year. In Florida, the last couple of elections we haven't exactly had low turnouts. You can go back a few years and I am sure they are coming again, where people are not going to go to the polls. So if you get a 40 percent turnout we only need to get ten percent of that 40 percent. The intention was to get rid of that. The next Presidential election you get 65 percent. Now you have to get ten percent of that 65 percent. Get rid of that fluctuation. Just make it linear.

Ralph Puckhaber made a motion to change the CRC's ballot question from ten percent of the electors to seven percent of the electors. Rob Bradley seconded the motion.

Chairman Cummings: Your motion for the change on the ballot question only changes the percentage of the voters and not the proposed language; it would be seven percent instead of ten percent based on the registered voters.

Ralph Puckhaber: They are electors.

Rob Bradley: We don't have the spreadsheet in front of us to review. Before we have a public hearing I want to make sure that this number is in fact.

Ralph Puckhaber: I withdraw my motion and table this issue to the next meeting of March 2, 2006, at which time I will make the motion because we will have the facts.

Chairman Cummings: Is there a time-frame to advertise the public hearings if we start by the 17th of March?

Ralph Puckhaber: We have two weeks or ten days.

Chairman Cummings: Does that give us enough time for our attorney, whoever it may be, to re-draft the proposed ballot amendment?

Roy Lyons: I have received some information that some citizens want the percentage based on the electors in the last presidential election. I called the Supervisor of Elections and asked how difficult it would be to see who these people are. If you are going to have it based on the amount of people that voted, the petition should be based on the people. I just want it brought up here that people have approached me with this. It is almost impossible; they told me, and it will take them additional time to see if the people voted. It should be based on the registrations, because the petitions are based on the registrations. I am agreeing with you Ralph.. I just wanted to bring up that there are people that believe that it should be based on the electors. It should be what the state says. I don't like seven percent if we are going to go with the registered voters. Then it should be a little bit higher, it should be at the state guidelines at eight percent.

Bill Garrison: You made a reference if we had enough time before the public hearings. In light of quite a few events; I would like to make a motion, or at least bring up for discussion of that fact that we should delay the public hearings. I have looked at a calendar and personally feel that we have been pushing the issue of the public hearings all along. I appreciate the efficiency, and I have said that before, but there is a lot of work to do here. Now we decided to bring Allan Watts in and I really do believe that we need to back off from the public hearings at this time. We need to get Allan Watts in and find out what is going on, and then reschedule the hearings. We need to have our ballot proposals to the BCC by the end of July; three public hearings should be ten days apart minimum that is a month. That will give us to the end of June. So let's just say that we are going to be done by the end of May. That is another six, eight, or ten weeks that we have to do some serious business.

Bill Garrison made a motion to delay the public hearings. Mary Cooperman seconded the motion, which carried 13-0.

Chairman Cummings: I compliment the group in that we are being very astute with our process and doing what we should by discussing all of the issues thoroughly and making good decisions. We have changed the public hearings and it has been done with good reason.

Agenda item #11:

Next meeting will be Thursday, March 2, 2006, Tax Collector's Meeting Room, 7:00 p.m.

Agenda item #12: Other Discussion

Chairman Cummings: The public hearings have been postponed. Meetings after March 2, 2006 will be regular meetings and will be in the Tax Collector's Meeting Room at 7:00 p.m. The public hearings will take place in the BCC Meeting Room if they are available; and if not, they will be in the Tax Collector's Meeting Room.

Agenda item #13: Public Comments

Fred Birkholz:

You can specify in the charter, without detailing the Code of Ethics itself that the BCC shall adopt a Code of Ethics that conforms in form, substantially form sustenance to, and then specify. There are national model codes out there. Jacksonville has a very detailed code and so does Miami-Dade. You can specify that it conform and form sustenance and that is judicially enforceable by the way. If they adopt a piece of paper that says code of ethics do the right thing, that isn't going to cut it. If you just say adopt a Code of Ethics, then that is what they can do.

Gordon Jespersion: I agree with that. My point is that I didn't want to get too specific and if you are worried about the current behavior, the current commissioners, it has already been provided for, employees are not going to be around them. I would also point out that by leaving it up to them to adopt, it really puts them on the spot when the community shows up at the BCC meeting and hounds them about a code of ethics that has to be adopted.

Jane Padgett:

Thanks so much for considering the Code of Ethics. Someone mentioned that Commissioner Rutledge had requested that way back and actually our citizen's group had requested that before he did. We went on record and asked the BCC to come up with that, and as a matter of fact I provided Mr. Jespersion with a lot of the resource material regarding this. I was trying to work with you, and it is needed. Some of the comments that I was going to make have already been answered. By the way it does send a message, it does give clear guidelines, and we all need that. If you will just Google it, you will see that everything has a Code of Ethics at all levels; there is a reason for that. We all need reminders and I have talked with people who have had workshops and I have been told that it is a crime that these elected officials and leaders who are full of questions and specifics about if this or that happens, what they should do. You can at some level legislate the way that people are to behave and conduct themselves in professional situations. Thank you for that, I do hope that goes forward.

The actual reason I was here tonight is that I saw on the agenda that you were going to talk about bringing constitutional officers under the charter and it kind of turned out a little differently than I expected it to. What I was going to suggest to you is to make it very simple. I think that there is a tendency sometimes to make it more complicated that it needs to be. You could bring all five of the constitutional officers under the charter and then just call them charter officers. Then you don't have to do anything else. That can be decided later on for someone else. Then, make them appointed instead of elected, but they would have the same titles that they have now. These are people that are the highest paid public officials in the county, with the exception of the county attorney and the county manager. How much do you know about them? Everybody says that if they are not doing a good job, you can vote them out. How can you vote them out when nobody runs against them? The sheriff is an exception, clerk of the court is an exception, but the other three; do you really know if they show up for work every day. There are no guidelines whatsoever. The state doesn't have any guidelines. They can just never show up. A lot of times if they have someone under them that really knows a lot about running the office, we don't know anything. If you bring them under the charter, it makes us in control. We will have more control over what they do. As Mary said, we would have more control over how they spend their money. Our auditors could audit their budgets more carefully. We can't do that now. The BCC does

approve their budget, but that is as far as it goes. As far as how they spend it, we really don't know. Some of them never have opponents and they are in there time and time again. You can make it really simple, just bring them under the charter, call them charter officers. You don't have to do all of this other stuff; it can come later if someone decided to do that.

Bill Garrison: Would you intend for them to be elected under the charter?

Jane Padgett: Yes, they would have all of the duties and all of the requirements for the job that they have now. They would be county officers instead of constitutional officers. They would still be elected until someone decides later otherwise.

Jane Padgett: Regarding citizen's initiatives: It is totally new to me that you ever requested seven percent, so I too have to go back now and recoup and look at charts and numbers and reconsider that. I will say that as far as I know, we are the only citizen group out there that has ever done a citizen initiative in Clay County. To hear about how easy it is; I try really hard to not take that personally because I have stood out in the rain and in cold weather, worked the heat, etc., getting those signatures. The thing that is going to happen is, if you change that the way it was up until tonight, and again I will have to qualify my comments, but if you change that to what you were considering until tonight, you are pushing grass roots citizens right out of the ballgame. However, the ones remaining will be the special interest with these pockets because there are companies out there that will go out and get signatures. People with a lot of money, will pay for someone to go out and get the signatures for them. It is happening all over the state. We can't do that. We are a grass roots group and literally get every one of them. It is really an advantage, because you are working face-to-face with them. However, we are at the point now where we are considering charter amendments for November 2006. We have to get as many signatures as we did a year and half ago. Nothing has changed. It is hard already. We are at the point where we have to get a little over 8,000 signatures. We go about 20 percent above that because some of the people are not registered voters. If you pass that, we are finished and if we can't do, then quite frankly, I don't believe anybody can do it. You have just pushed grass roots people right out of the picture.

Roy Lyons: At ten percent, which is what I was pushing because I think it should be difficult to change the charter. That ten percent is of the registered voters. I think that we have been discussing seven percent of the voters and it would be around 7,400 which is less that what you have to get now.

Jane Padgett: As I said, this is news to me and I did not know that this was going to be discussed. For the record, you have given me a whole new way of looking at this. We never once, ever were picking a lower turnout. What we were doing is choosing to have our ballot put on a large election, the presidential election, because more people come to the ballot. We knew that the more people that came to the ballot, our issue had a greater chance. Not one time did it ever cross our minds to look at that.

Ralph Puckhaber: What is killing you, do you know what the turn out was in the last general election.

Gordon Jespersen: I wanted to point out that even if it stated the ten percent number, just because we put it out there and it goes on the ballot, doesn't mean that we have done anything to the grass roots group. You can campaign against whatever is on the ballot.

Jane Padgett: Absolutely. What is am saying to you is, which is a realistic thing, and you're out there in the heat and the rain getting signatures and 20 percent turn out to be invalid, it does make a big difference when you are talking thousands of signatures and it will push us out.

Gordon Jespersen: I am not debating that, I am just saying that just because we say it goes on the ballot to be voted on by the voters does not mean that it is going to pass. You can campaign against it. We may at the next meeting change it to seven.

Ted Boyer:

I just want clarification of the ten percent of the electors. These are registered voters, whether they voted or not?

Ralph Puckhaber: They are electors; that is the definition. They are on the voter registration rolls.

Ted Boyer: Your statement here is misleading, ten percent of the electors qualified to vote. If you are registered, you are qualified to vote. I was at the Supervisor of Elections the other day and looking over some numbers. I don't see where we say the registered voters go up and down like this.

Ralph Puckhaber: I didn't, I never said that. The voters go up and down.

Ted Boyer: To negate that, you could say that the average of the last two elections.

Roy Lyons: This is where you run into a problem of the people that vote. You have to be realistic if they are only going to count the people that vote for petitions; only the people that votes can be on the petitions. You can't have it both ways. It doesn't work well. If you are going to talk about registering voters to get your petitions, then your petitions is based on registered voters. If you base it on the electorate, or the ones that actually vote, then you base your petition on the ones that vote. It is either one way or the other.

Ted Boyer: I think that you are doing a good job.

Chairman Cummings: We have come a long way shaping up our different opinions and moving through our process. I think it is working.

There being no further business the meeting adjourned at 10:05 p.m.

Chairman Travis Cummings

Recording Secretary, Ann Mitchell