

**MINUTES  
CLAY COUNTY  
CHARTER REVIEW COMMISSISON  
NOVEMBER 21, 2005**

The Clay County Charter Review Commission (CRC) met on Monday, November 21, 2005, 7:00 p.m., Orange Park Town Hall Meeting Room, 2042 Park Avenue, Orange Park, Florida, 32073. Those in Attendance are listed on the attached sign-in sheet. George Espada was absent.

**Amendment to page two, paragraph three of the November 3, 2005 CRC minutes.**

Rob Bradley made a motion to invite Sarah Blakely as a guest speaker at ~~their next~~ the meeting on Wednesday, January 18, 2006 from 6:00 p.m. to 9:00 p.m.; and that all of Ms. Blakely's expenses be reimbursed. Ralph Puckhaber seconded the motion, which carried 12-0.

**Amendment to page six, paragraph two of the November 3, 2005 CRC minutes.**

After a brief discussion regarding the citizen's initiative proposal, it was the consensus of the CRC that the percentage should be at ten percent.

**Rob Bradley made a motion to approve the minutes, as amended, for the November 3, 2005 CRC minutes. Jim Gann seconded the motion, which carried 13-0.**

Chairman Travis Cummings opened the floor to discuss agenda item number three (Discussion of draft proposals to revise the initiative process for proposing Ordinances and Charter Amendments). He explained that if these initiative amendments were passed by the voters at the November 2006 election, they would be effective January 1, 2007.

Working Draft 1-A, Initiative (Proposing Ordinances), "To revise the initiative process for proposing ordinances so as to change the signature requirements from ten percent of the electors who cast ballots in the last preceding general election to ten percent of the electors qualified to vote in the last preceding general election.

Working Draft 1-A, Initiative (Proposing Charter Amendments), "To revise the initiative process for proposing ordinances and charter amendments so as to change the signature requirements from ten percent of the electors who cast ballots in the last preceding general election to ten percent of the electors qualified to vote in the last preceding general election.

Mary Cooperman stated that ten percent of those qualified to vote was too high.

Ralph Puckhaber, referring back to a previous CRC debate on this issue, reminded Mary that the discussion was about the nature of the election cycling and they were trying to balance the numbers. He estimated that if the percentage was seven percent, it would be close to the current ten percent of the people who voted in the last general election. It would not cycle, but would remain a constant number through all of the elections. The amendment was drafted at ten percent because it was the consensus of the group to do so. I for one am not led to the ten percent, and would like to stop the cycling.

Roy Lyons commented that this was not a cycling issue; but an issue on how difficult it should be for citizens to change the Constitution process. Changing the Constitutional process should not be an easy task. Ten percent of the qualified voters in the last election is a very good number because citizens will work for it.

Mary Cooperman disagreed with Roy, stating that a qualified voter versus those who can't vote was large. The idea is not to make it a handicap; but something that can be done.

Roy Lyons replied that it could be done with the qualified voters if they had a burning issue and the citizens were behind it. If they aren't behind it, then it should not be like our Constitution which requires two-thirds of the states to approve it.

Mary Cooperman again commented that it was too difficult.

Roy Lyons replied that it was supposed to be difficult. Clay County has an estimated 106,500 registered voters and ten percent would be 10,600 signatures for a citizen's initiative. It is a small population. If we want to change our charter, it should be something that is overwhelming.

Mary Cooperman stated that it should not be easy, but also not hard.

Rob Bradley explained that he would have to sympathize with Roy Lyons's policy arguments regarding the idea that it should be difficult to change documents that are fundamental laws. The CRC has a certain amount of political capital to expend, in that they do not need to rewrite the entire charter. There are many other issues that they could do. The citizen's initiative is not one of his priorities and he believes that they will end up getting bogged down with too much discussion. The CRC represents the people; we are the people, a reflection of our community. He does not want the CRC to get them into a situation where it appears as though they are not supportive of the people - of grass roots movements. He does not want to engage in a political debate with citizens because he thinks that there are more important issues for them to tackle. He understands what Roy Lyons' is saying and tends to agree with him but would like to table this issue until he has listened to public comments. He has a suspicion that changing the citizen's initiative will not be well received by a lot of citizens because they will get the impression that the CRC is trying to make it more difficult for grass root organizations, or whatever the group may be to get things done. He wants the citizens to understand that the CRC is on their side and they are trying to make the County's Charter one that is responsive.

Roy Lyons stated that a charter that is responsive to the people would be one that would be difficult to change. It is something that is part of our government and the way that we do things. Otherwise there will be initiatives like those on our State Constitution, of which are ridiculous. We need a charter that will make the citizens work hard to place an amendment on the ballot. This would not be going against any type of group or organization, but would require ten percent of the registered voters. That is not a lot if you look at it in the perspective of things.

Mary Cooperman suggested that they table this issue and revisit it at a later date.

Bill Garrison stated that he was supportive of Clay County's original charter that required ten percent. It is his opinion that the charter was amended to require less effort of citizens to change the charter. He does not think that ten percent is prohibitive by any means, and he is for the language that has been drafted to change the citizen's initiative in our charter.

Chairman Cummings stated that their previous minutes reflect that there was an 11-1 majority vote for this issue to be drafted by the legal department. The CRC has many other issues that are important and they should move on. He recommended that they accept the draft proposals provided by the legal department and bring up the initiative process during the public hearings after they have had time to hear some public input.

**Roy Lyons made a motion to accept the draft proposals for the citizen's initiatives for Ordinances and Charter Amendments as written by County Attorney Mark Scruby; and prepare those documents for a future public hearing. Seconded by Jim Gann, which carried 11-2. Rob Bradley and Mary Cooperman dissenting.**

Chairman Cummings informed the CRC that he had been in contact with the County Manager of Columbia County, Dale Williams at their request. Mr. Williams was receptive to visiting one of their meetings as a guest speaker. Columbia County is the only charter county in Florida who has an elected county attorney. Their CRC does not use their county attorney for legal council; instead they opt to hire independent council which may be an advantage. Mr. Williams helped to create Columbia County's Charter, and they are one of the youngest charter counties in the State of Florida. Representatives from Columbia County will definitely be visiting one of the CRC's meetings possibly in January. Chairman Cummings explained that he was still playing telephone tag with staff in Leon County, but was working to arrange for someone in their county to visit one of their meetings. Further, Chairman Cummings informed the CRC that he has been in contact with Clay County's new County Manager Fritz Behring who was also receptive to visiting them. He was included in the CRC email group and has been receiving all of their correspondence. Mr. Behring will begin working December 5, 2005.

Chairman Cummings moved to agenda item number four, (Discuss expanding the five-member Board of County Commissioners to seven members with the addition of two at-large commissioners). This is number one of their issue list. Chairman Cummings stated that at their last meeting they decided it was important for them to discuss some of the issues on their list at this meeting. This issue has been discussed to some degree; but today each member will have the opportunity to voice their opinion. The floor was opened for discussion

Chairman Cummings asked Mr. Garrison if it was Leon County that had two at-large commissioners.

Bill Garrison responded that Leon County has two at-large members and Hillsborough County has three.

Ralph Puckhaber explained that they had discussed this issue in detail at a previous meeting and he at that time had explained the reasons why he was for and against expanding the current five single-member district to seven; adding two at-large members. It is his opinion that it breaks

down with other issues that have to be addressed especially the comments of County Attorney Mark Scruby from our last meeting, that adding two additional commissioners to the Board is a single-subject matter. Adding two at-large commissioners, making one of them a permanent chairman or “strong mayor” would be another separate single-subject matter.

Rob Bradley stated that it would depend on the nature of the role that the mayor or “strong mayor” had. If that person assumes any executive functions, then the issue would not be a single-subject matter according to County Attorney Mark Scruby.

Gordon Jespersen asked if a chairman was appointed and acted in a legislative function if that would be considered a single-subject matter?

Roy Lyons responded that he understood that adding two members; one of them as a permanent chairman, would be one single-subject matter issue. If there was a CEO who served separately from the Board, that would be illegal and could not be done. This is what we need to debate.

Chairman Cummings commented that what he was hearing from the discussion is the strong leader role, the figure head of the group out in the forefront of the county, and perhaps that could happen in the legislative role. Referring to Mr. Scruby’s comments, any scenario that crosses over into the executive function of our government; the county manager reporting to the Board, who is also the mayor of Clay County; would be a cross-over and could not be done.

Roy Lyons responded that there should be a way in our governmental system to give the county manager the autonomy to do his job; still being separated with the checks and balances.

Mary Cooperman stated that the county’s government is already set up in that manner.

Roy Lyons responded that the county manager can do nothing because he can be fired at the will of the Board with a 3 to 2 vote. He is subservient to the commissioners.

Mary Cooperman responded that as long as the county manager does his job he can’t be fired. He has control of every department.

Chairman Cummings suggested that they try to stay focused on the issue at hand. What they have been discussing are related somewhat; Issue 5a. is somewhat convoluting with issue number one that has been discussed. Regarding checks and balances; all of us have read in the audit report that the Board was involved in department head business, calling them directly. We need to find a way to address the credibility and accountability. The system is already in place for the county manager to do his job, but he also needs to be held accountable. Chairman Cummings informed them that he has heard a lot of input from citizens that this issue was discussed by prior CRC’s, and now by us. Clay County is growing fast no longer a rural community, becoming more populated and diversified each year. Adding two at-large seats to the Board may have its advantages. Again, the group needs to stay on-track with the two at-large member’s issue.

Una Cornelius stated that the previous CRC discussed this issue and what the budgetary cost to the county would be if two additional at-large members were added to the Board. Before she could make any decision on this issue she wants to know what the monetary cost would be to the county and she feels that it is important for them to know what it is. The county has grown extensively over the past five years, especially within the last two.

Ralph Puckhaber stated that he thought the reason they placed this issue on their agenda for today's meeting was to come up with a series of questions to ask the representatives from Columbia and Leon counties when they visit one of their meetings. He informed the group that this was one of his proposals and he was absolutely for it. Further, he was not too much for the "strong mayor" idea; but absolutely supports the additional two at-large members to the Board. At this time, it was his opinion that they were not at a point where they could put closure on this issue, he would like to obtain input from the representatives from other counties first. Regarding Una Cornelius's point about the monetary cost of those two positions, he thought it was an excellent question and they should know what it is. If this issue goes to a public hearing that will be the first question that a citizen will ask them.

Chairman Cummings stated that they know what the commissioner's salaries are, but need to know what the other expenses would be such as office space, furniture, computers, perks, etc., before they voted on this issue. He would obtain that information and hopefully have it before the next CRC meeting.

Rob Bradley asked Ralph Puckhaber why he supported this issue.

Ralph Puckhaber explained that since the issue of single-member districting came up he was in the middle. He did not know if it was a good idea or a bad one. Initially, he thought it was a bad idea without having at-large commissioners. He does not really object to single-member districting; in fact, has a lot of positive feelings about single-member districts. In his opinion, the problem now is there are five commissioners who were elected at-large, who are technically single-member district commissioners. They didn't overnight quit thinking as at-large commissioners; but as they are replaced, either through term-limits or voter disgust, the commissioners coming on the Board will be elected as single-member districts. They will campaign as single-member districts, talking about the things citizens in their districts want, and not about what citizens want in the county as a whole. As a counter-balance to that you have to have a more global thinking person, someone who ran for office county-wide who can serve as a counter-balance to the locality interest versus county interest. Two at-large commissioners would do that. The other point is that prior to single-member districting I felt that I could call any of the commissioners on the Board with a complaint and now I can only complain to one of them. I would like to have at least three commissioners that I could go to. Adding two at-large members to the Board would allow me to go to my district commissioner and the two at-large commissioners, and it would be a perfect counter-balance to the single-member districting. You would not have to decide if at-large is better or if single-member districting is better; you have the best of both on the governing body.

Mary Cooperman responded that she hoped one day that single-member districting will be voted out. She feels like she works hard to get things done in her district, but if the other four

commissioners does not want her to have them, then she would not get it. It is her opinion that adding the two at-large commissioners would not help the situation. She asked the CRC if they remembered her saying that they should pull the single-member districting and make everyone at-large members.

Chairman Cummings stated that they had discussed this issue in detail previously and made a majority decision against changing the Board because the citizens voted to have five single-member districts and that cycle was not complete. We agreed that this issue should not be changed until the citizens decide to do it. Term limits was also discussed and was agreed that it should complete its cycle. They were both left on the issue list so that we could obtain more input from the public on this issue before we moved on.

Chairman Cummings informed the public that he has received several calls from citizens who believes that one of the CRC's priorities was to eliminate single-member districting; to the contrary. Ralph Puckhaber has articulated the single-member districting and the two-at large districts well. I believe that this group is not discussing the two at-large seats to get around the single-member districting. It appears that the general consensus of this CRC is that the at-large seats would provide a good balance for the Board and representation to the population in Clay County would be more appropriate. The addition of two at-large members would give citizens a voice to their government. Mr. Cummings stated that he wanted to clarify this to the public.

Gordon Jespersen commented that he has been discussing this issue with people and they have raised the same concerns as Mary Cooperman about single-member districting. As we have discussed before, other counties have voted to have single-member districts and then later voted them out after a certain period of time. If we think that eventually the public re return to all at-large districts, we may not want to increase the number of commissioners. He was approached with the idea that single-member districting does have some advantages and why don't we leave it at five districts; but expand four of the existing districts, and then have one commissioner who is at-large. The fifth commissioner would also serve as the chairman of the commission. Mathematically you would still have two commissioners that you could ask to address problems which would be the same percentage of the commission being asked to address problems with five single member districts two at-large commissioners at five instead of increasing it to seven commissioners would not increase the cost of the commission. Additionally, having four larger single member districts makes each district larger so each of the four commissioner's area of concern would be larger and, we would have a commissioner who had to run county-wide and who would be the chairman.

Mary Cooperman commented that her theory of having two more commissioners was because the five current commissioners have too much work. The county is growing too fast.

Chairman Cummings stated that Mr. Jespersen was referring to St. Johns and Putnam counties, who both voted in single-member districts. Later, the voters reversed them back to at-large districts. In Clay County, it may be that voters will show up to the next election and vote for the two at-large seats. They may realize later that they can no longer vote for the other commissioners and at that time may want to reverse single-member districting back to at-large. As a group, the CRC agreed that the cycle should be completed.

Roy Lyons commented that one of the reasons that the two above mentioned counties voted the single-member districts out so fast was because they did not have any at-large members on either of their Boards. They did not have the checks and balances and experienced a battleground among themselves. Two at-large members will provide for the growth in our county. Referring to Gordon Jespersion's idea of having four and one; Mr. Lyons stated that five and two with one as a chief would be just as good.

Una Cornelius expressed her concern that commissioners are spending county money and she would like for them to be held accountable to the entire county. If they are only interested in their district, yet spending the tax payer's dollars of the whole county, then they are only concerned about the district that they live in. If there are at least two at-large members on the Board along with the five single-member commissioners, then we would have at least two people on the Board who are truly concerned about the entire county. When someone campaigns as an at-large district it forces them to see the whole county. Before single-member districting, if you were running for office you had to know what was going on throughout the entire county.

Roy Lyons stated that Ms. Cornelius's concerns are noted. If you have a little district and that was all that the commissioner wanted, he would have to convince the two at-large commissioners, plus one of the other single-member commissioners to go along with him. This is important.

Mary Cooperman stated that a county road has to be maintained by the county. If Wells Road needed to be repaved, how would the commissioner for that district go about getting the funding to get this job done? This project could cost millions and the commissioner for this district could be voted down on this project.

Roy Lyons stated that all elected commissioners are expected to do the right thing for the county even if they are in a single-member district or an at-large district.

Gordon Jespersion stated that he was not advocating one idea over the other. He thought that if you expanded the size of four districts that makes them more concerned about a larger percentage of the county, but also the single-member who has to run even though he is only one vote on the commission. They will probably have a little more political sway since they have been elected by the entire county. Without giving them certain executive powers they may have a little more say on the commission, especially the chairman and what comes before them.

Roy Lyons responded that he would be the one who would go to the MPO; he would be the leader of the Board for four years?

Rob Bradley stated that it was his opinion that Chapter 124 of the Florida Statutes does not allow for that to occur. Mr. Scruby would have to interpret the statutes to them.

**Una Cornelius made a motion to table agenda item number four (Expanding the five-member Board of County Commissioners to seven members with the addition of two at-large commissioners, issue number one), until the CRC has done the following: 1) Heard what the representatives from other charter counties have to say about this issue and they**

**have acquired more input on the subject; 2) Received data regarding the cost to the county for two additional at-large members; and, 3) County Attorney Mark Scruby has interpreted whether the charter can provide a different arrangement for the composition and election of the BCC members in terms of numbers and status (at large vs. single-member) than is set forth in Chapter 124, Florida Statutes. Jim Gann seconded the motion, which carried 13-0.**

Chairman Cummings will contact Interim County Manager Rich O'Connell to request an analysis from staff for the cost to the county for the additional two at-large commissioners.

Mary Cooperman responded that all of the council members in Duval County have individual staff members who help them. Our commissioners do not have individual personal staff. They do their own footwork and it is extended through the weekends. This position is not part-time. Ralph Puckhaber commented that Commissioner Lassiter is not running for office next term and there will be at least one new commissioner and possibly two. Five citizens have announced they will run for this seat, all of which mentioned that they were retired and available full-time.

Referring to Rob Bradley's comments about the CRC representing the citizens of Clay County, Chairman Cummings stated that he has not spoken to any of the commissioners regarding any of their issues. To say that the CRC may be carrying out the commissioners wishes is far from the truth. This CRC has a job to do. We are debating all of our issues and moving in the right direction. This is a great CRC and we have a great opportunity. All of us should continue to focus on our issues.

Chairman Cummings asked if there were any questions that they wanted to draft for the representatives visiting them from other counties.

Gordon Jespersen suggested that they use the same method as with the Commission Auditors questions. They would forward their questions Ann Mitchell via email, and she will revise the list according before the next meeting. The questions could then be forwarded to the representatives in December so they will have time to review them before they come.

County Attorney Mark Scruby arrived at this time. Chairman Cummings informed him that before his arrival there was a motion to accept his draft proposing ordinances and charter amendments, which carried a 11-2 vote.

Referring to agenda item number three, Mr. Scruby explained that the draft proposals he prepared for the CRC was the same format that was presented to a previous CRC for the amendment process. The draft includes the language to be changed, the ballot question and the form of the ballot title. This will be the first amendment to be placed on their list for the public hearings.

Chairman Cummings asked Mr. Scruby to clarify the public hearing process.

Mr. Scruby explained that their meeting would convene as usual. When it is time for the public hearing, the Chairman would inform the public about each of the proposals that the CRC has

decided to change in the County's Charter to place on the ballot for an amendment. He would inform the public the CRC will hold three public hearings in various locations of the county to allow citizens the opportunity to hear what they are proposing to amend. Copies of the proposals should be provided to the public and time allotted for their comments. This would be the process for all three of the public hearings.

RECESS from 8:00 to 8:15.

Regarding number eight of the issue list (Discuss term-limited commissioners being eligible to run for at-large seats if the BCC is expanded), Chairman Cummings explained to the public that the CRC put this issue on their list because that they did not want it to be assumed that a commissioner who has served their two terms could immediately run for the at-large seats if it was passed by the voters. The addition of two at-large seats would be considered as a single-subject matter issue, as would issue number eight.

**Agenda item #5 (Discuss the county manager's responsibilities including the number of department heads under this supervision (issue #6)).**

Mr. Lyons explained that he put this item on their issue list because it is his opinion that the responsibilities of the county manager's position has become too large for him to keep up with. He has 14 department heads under him and he needs some help in overseeing them. Referring to his Navy experience and background in other businesses, Mr. Lyons suggested that the county's departments be divided between the county manager and an assistant(s) county manager, each responsible for six or seven departments.

Mr. Cummings asked Mr. Scruby if adding an assistant(s) would require a change in the charter or if it could be done by the county manager.

Mr. Scruby responded that the question was an interesting debate in the past. The problem that has been worked through is that you have the county manager, the charter and the department heads. The county manager has the authority to hire and fire the department heads; subject to the appeal rights of the department heads. So if he is directly supervising them under the charter's schematics; it would seem to me that if an assistant county manger position is created, it would have to be in the charter. Somewhere that should be spelled out where it makes sense. I am not saying that it isn't needed, but I certainly think that if the CRC is planning to do this they should wait until Mr. Behring has come on-board and ask him what he thinks about it. Mr. Behring is a professional and has the expertise to discern in public administration what would be the best plan. If he recommends that you should add an assistant, there has been discussion about the different ways that it could be done without involving the charter.

Roy Lyons asked Mr. Scruby if they could be just administrative assistants.

Mr. Scruby responded that they could, but if he understood the discussion about oversight or about span of control, there was actually supervisory authority, the assistants reporting to the county manager. The department heads under each assistant would report to them. You are responsible for them and you would report to the county manger what they are doing. I have no

idea how effective or warranted that would be in any given case and believe it would be best served to wait for Mr. Behring's arrival.

Roy Lyons asked how that would fit into the chain-of-command.

Mr. Scruby explained that the currently you have the county manager and then the department heads. The new scenario would include the county manager, the assistant county manager, the second assistant county manager, and then department heads. The Board would have to organize them under the Administrative Code (the departments), or leave it up to the county manager.

Rob Bradley asked if this would require a charter amendment.

Mr. Scruby explained that there are a number of ways they could do it. If the funding for those positions was approved by the Board, they could authorize the county manager to hire the assistant county manager who would assign that individual departments under him and he would report directly to him. The appeal process would still be in place and it would be up to the county manager to dismiss those department heads. It is doable.

Michael Rogers inquired if any of the CRC members know about a comparable county where this actual model is in place. He stated that he was passionate about this because he thought that was the direction that they were going, and he certainly wants to strengthen the accountability of the county manager's role. Further, giving some autonomy regarding the county manager in determining whether or not an assistant, if funded, would help to ease the administrative burden; creating greater levels of efficiencies in the county as a whole.

Mr. Scruby informed them that Orange County currently is working under this type of charter. There has to be stratification for this type of government. You could mandate it by saying that there shall be at least one or more assistant. There are a lot of ways to approach it. You could require the Board to fund that or those position(s). You could also say that the Board is authorized to fund any number of assistants or deputies, or however you want to do it; and then leave it up to the Board to organize it.

Ralph Puckhaber asked Mr. Scruby if there was anything in the charter that would prohibit the county manager from organizing a reporting structure like the one they are discussing. The charter mentions those who are responsible to the county manager, but does not indicate that they have to report to him directly. Has this area in the charter always been interpreted to mean that they have to report to him? It really doesn't specify what constitutes a department head under the Administrative Code. So technically, if Mr. Behring wanted to, he could come in and say that he wanted to have two departments.

Mr. Scruby responded that the county manager could not do that. The Board establishes the department heads just like the legislature does.

Rephrasing his comment previously, Ralph Puckhaber stated that the county manager could come in and suggest an alignment like that, then the Board could basically approve it for him. If there is a department of inside work and a department of outside work – whatever you want to

call it; then all of the current departments would follow under them as the next level of management. There is really nothing in the charter that prohibits the county manger from getting the Board to restructure that without having to change this. There is no charter language to require making that happen.

Mr. Scruby responded that you would end up having a lot of department heads that are now demoted to division heads. They give up the right of their appeal, and that may or may not be good. I am not here to debate whether it is or isn't. That would be a next level down – a division head, where they would be clumped together under different divisions. I am not advocating it either way.

**Rob Bradley made a motion to table agenda item number five (Discuss the county manager's responsibilities including the number of department heads under his supervision), until they have discussed this issue with the new county manager. Jim Gann seconded the motion, which carried 14-0.**

Chairman Cummings stated that he would arrange for the new county manager to visit a CRC meeting in January. The county manager's responsibilities and his supervision of department heads were discussed by the previous CRC. The county manager at that time informed them that he did not need any assistance. Something for the group to consider; should the leader or voice of the county be the county manager, and if so, should he have the ability to act in that role and be out there in the forefront in the day-to-day operations?

**Agenda # six (Discuss the educational requirements and/or any other qualifications for an appointed county manager and department heads – issue #7).**

Chairman Cummings opened the floor for discussion.

Roy Lyons asked what the head-hunters used as qualifications to hire the new county manager, and where the information was obtained.

Mr. Scruby stated that every employee in the county has a job description for their position and it which is developed by the Human Resources Department. The qualifications are part of the job description. This would be a question for the Human Resources Department.

Michael Rogers asked Roy to clarify if he was referring to educational credentials or certifications.

Roy Lyons responded that a new county manager was recently hired and he wanted to know how the headhunters acquired his educational qualifications.

Michael Rogers asked if there was any benchmarking or comparative analysis done.

Mr. Scruby responded that they Board hired a headhunter to employ the new county manager.

Bill Garrison commented that the charter says that the county manager's minimum qualifications shall be established by a county ordinance. So there must be an ordinance regarding this somewhere.

Rob Bradley asked who put this item on the agenda.

Mary Cooperman responded that she did because it was her opinion that all department heads should have a degree because they have people working for them and they decide their department's policy. What has happened in the county recently is case and point of what happens when department heads don't have an education. The public works director only had a high school education even though he did have experience. Many times organizations will allow experience to justify the lack of a formal education. This was brought up by one of the commissioners who wanted this and it was voted out 4-1. He could have had all of the good qualities; a good worker, time on the job and in the county, but he did not have the degree to help him. He did not know how to build a bridge for Blue Jay Road. This is an example and the Public Works Department has suffered monetarily. It can't be compromised; the department heads must have an education. What happened was enormous.

Michael Rogers commented that the task set forth for this CRC is difficult and complex. He supports higher education but believes that it is important for them to not take a knee-jerk reaction to the recent events in Clay County. At the same time, they should not minimize the educational qualifications for the person in that role. As he says so frequently, "You can have more degrees than a thermometer and be stuck on stupid". The events that have occurred seem to surpass whether or not the person had a degree or credentials, or if he knew about the Administrative Code, or how to build a bridge. Mary's point is well taken. I certainly support higher education as a credential person myself, and as are many of our citizens. But at the same time, I think that we need to make sure we are balanced in how we analyze what those requirements are.

Gordon Jespersen said that Mary mentioned that the requirement for the public works position was not about whether or not to hire him, but the override of the requirements for that person's job description. To that point, he agrees with higher education – it is valuable and does not believe that some experience can equate for it.

Michael Rogers responded that he thought it is transferable and if you have an employee with sixteen to twenty years of experience building bridges and tapping into the labor market in our geography, then it is difficult to retain that talent and bring it to our area. We have to find a more creative and practical solution so the person with proven, demonstrated experience certainly comes in my mind; a viable candidate to consider.

Roy Lyons agreed that they should not get into micromanaging their government by placing requirements on employees and giving them no latitude to change anything because of this one incident. The whole thing should not be thrown out and they need some flexibility to do their job. We don't want to take that away from them.

Una Cornelius stated that this issue was discussed at the previous CRC session. One of the things to keep in mind is that the county earmarks a certain amount of money for each job description. Many times a person who has a degree can get a job paying a lot higher rate than the county is able to pay. You can't hire someone in a position at the basic salary. The county is limited to what they can pay an employee.

Chairman Cummings responded that the new County Manager Fritz Behring will begin working the beginning of December. He teaches government at UCF and when he visits one of their meetings they will gain some feedback about our government and hopefully we will come away feeling more comfortable about his position. A person in this position who is a good leader and administrator will surround himself with good people. A person's confidence level is not just about their level of education and I think that is what happened in this situation. We have read and listened to what has been going on and we are trying to move forward. Some individuals may not have had the competence to do their job; and they could have had four degrees and still could be performing some of the same duties. Fritz Behring will hopefully be someone who will be able to handle the job.

**Una Cornelius made a motion to table agenda number six (Discussion of the educational requirements and/or any other qualifications for an appointed county manager and department heads – issue 7), until after the new County Manager Fritz Behring arrives and they have had the opportunity for him to attend one of their meetings. Motion seconded by Roy Lyons, which carried 14-0.**

Mr. Scruby stated that Mr. Behring is coming from a charter system even though it is not a county, but a city. We have discussed the similarities between charter counties and municipalities; that they both operate under a charter. His insights will probably not be just academic, but practical as well.

**AGENDA ITEM NUMBER SEVEN – (Discussion of draft questions for the Commission Auditor at the December 1, 2005 CRC meeting – issue #4).**

Chairman Cummings stated that this meeting will be held at the Middleburg Library. He informed the CRC that they were not limited to just the list of questions comprised by members Rob Bradley and Karen Lake, but they were open to ask any question. Commission Auditor Mike Price provided them with the audit inquiry.

Michael Rogers commented that the Commission Auditor's natural course of dialogue would probably eliminate several of the questions immediately and they should be thinking about additional questions, more specifically, with behavioral interviewing questions; softer skills and approaches to management.

#### **AGENDA ITEM NUMBER 8 – OTHER DISCUSSION**

Chairman Cummings informed the public that there will be a Charter Review Government Seminar on Wednesday, January 28, 2006 from 6:00 p.m. to 9:00 p.m. at the Fleming Island High School Teacher In-Service Center. It is open to the public at no charge. Sara Blakely, an attorney for the Florida Association of Counties (FAC) for the State of Florida will be the

speaker of the seminar. She also represents the FAC as a lobbyist and is very knowledgeable of home rule charter governments. Commissioner George Bush arranged for her to give this seminar in Clay County. This seminar will replace their regular CRC meeting that would have been Monday, January 16, 2006 (government holiday). The CRC will not hold a meeting at the seminar.

The first CRC meeting for January is Thursday, January 5, 2006 in Keystone Heights at City Hall, 7:00 p.m.

Chairman Cummings stated that they will be hearing from representatives from both Leon and Columbia counties, from the new County Manager Fritz Behring and from Commission Auditor Mike Price.

**Rob Bradley made a motion to cancel the second meeting for December, 2005. Motion seconded by Roy Lyons, which carried 14-0.**

Michael Rogers stated that they had previously discussed the county commissioners coming to one of their meetings and asked if they wanted to revisit that discussion. A brief discussion ensued, no action taken.

#### **AGENDA ITEM NUMBER 9 PUBLIC COMMENTS AND QUESTIONS**

Robert Machala  
1828 Chatham Village Drive  
Fleming Island

A couple of comments about what I have heard here today on some of the initiatives. First, the citizen's initiative article of the home rule charter. I agree that making an amendment to anything; the charter or the constitution should be difficult to do. But what you are trying to do here is to make it more difficult for the citizens to do something. Yet, you are not changing how this commission or the county commissioners can put amendments forward to change the charter or the constitution or whatever. Why is that? That seems to be upside down. The citizens should be able to act in accordance with the charter. You are making it more difficult and you shouldn't do that. You should not make it more difficult for the citizens to do something. I sense a little bit of an agenda there. Secondly is term-limits provision. There is a paradigm in this country from the Federal offices down to the lowest elected political official that they have to change. The paradigm is that a politician is a career choice. It is not a career choice and was never meant to be a career choice. You are supposed to be a part of this country; put some time in the senate, the legislature, and the county; then go on to do good things in your business again. For somebody to be a politician as a career is part of the reason that we are in the trouble we are in this country. Like I said, from the federal government down to the lowest elected political official, that paradigm has to change if we are going to move forward. Term limits is a good thing. That is why when you talk about having continuity - why those positions are staggered. That is why offices in the commission is staggered so we don't get rid of everyone all at once and bring in a new group. Term limits is a good thing and I think that you have heard from the people - it was amended. Why are you trying to undo it before you even give it a chance?

Chairman Cumming explained that it was the general consensus of this CRC that the voters overwhelmingly supported single-member districting and that issue was removed from their list. The term limit issue remains on the list because it is still being debated. Until the CRC has acquired enough information and input from the public on all of their issues, they remain on the list for discussion. It is my opinion that the majority of this CRC that this issue will not go to the public hearing stage based on their previous debates on the issue. It is on the list and is open for discussion.

Mr. Machala: I don't know how I feel about the two at-large members and will have to look at all of the ramifications of it. I do know that if you are a county commissioner, regardless of whether you are single-member or at-large, you are term-limited. This can not be moved around to have someone have an at-large bid forever. This can't be an end around term limits. So I think that a lot of us are assuming it, so maybe we need to say something when we discuss at-large and if they come to fruition and they are term-limited like any other commissioner. We can't assume that. We need to make sure that term-limits is in the charter as such if the two at-large members are added. With the same verbiage as it is now for the five single-member commissioners.

Chairman Cummings responded that he thought this group will make a stance on both of those issues and they will be addressed. I don't think that this group has an agenda and that would not be of interest to them.

Rob Bradley stated that he appreciated Robert's comments and he did not want to do anything with term-limits and did not believe that this commission intends on doing anything with it as well. He explained that he was tired of fielding questions from people who think that they were going to do something with term-limits and suggested that they remove it from their list.

**Rob Bradley made a motion to remove number two from the issue list (Review the term limit provision of the BCC). Motion seconded by Roy Lyons, which carried 14-0.**

Bill Garrison responded that he agreed that the citizens have spoken and they were here because they cared about their community and have heart-felt emotions about political issues. As strongly as Rob feels about term-limits, he was philosophically opposed to the idea of being denied the opportunity to vote as he sees fit to vote. He feels like they are saying they are too stupid to vote the bad politicians out, so let's legislate term-limits. So I will go down in defeat with this issue.

Roy Lyons stated that term limits was never meant to be and career politicians were never meant to be. Going back in the history of our country there were career politicians when our government first started. They just did not live long, about 50 years. I am opposed to term-limits also, but I believe more strongly in the fact that the people voted to have those term-limits so we should not even discuss it and move on.

Chairman Cummings asked Mr. Scruby if the two at-large seats would automatically have two term-limits like those of the five single member districts.

Mr. Scruby read from the charter: “No person elected for two consecutive full terms as a member of the Board of County Commissioners shall be eligible for election as a member of the Board of County Commissioners in the next succeeding term”.

**Rob Bradley made a motion to remove number eight from the issue list (Discuss term-limited commissioners being eligible to run for at-large seats if the BCC is expanded). Motion seconded by Gordon Jesperson, which carried 13-1. Ralph Puckhaber dissenting.**

The next CRC meeting will be on December 1, 2005 at the Middleburg Library.

There being no further business the meeting adjourned at 9:15 p.m.

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**Chairman Travis Cummings**

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**Recording Secretary, Ann Mitchell**