

**MINUTES  
CLAY COUNTY  
CHARTER REVIEW COMMISSISON  
OCTOBER 3, 2005**

The Clay County Charter Review Commission (CRC) met on Monday, October 3, 2005, 7:00 p.m., Meeting Room 1, Tax Collector's Office, County Administration Building. Those in attendance are listed on the attached sign-in sheet. Taunya Reese was absent.

**Ralph Puckhaber moved to have the heading of all future minutes reflect Clay County Charter Review Commission. The remainder of the minutes will refer to the Charter Review Commission as the CRC. Rob Bradley seconded the motion, which carried 12-1, Mary Cooperman dissenting. Armando Pineda and Taunya Reese were not present at this time.**

**Michael Rogers moved to approve the minutes from the September 19, 2005 CRC meeting with the above mentioned amendment. Gordon Jespersion seconded the motion, which carried 13-0. Armando Pineda and Taunya Reese were not present at this time.**

Brenda Rau and Jim Gann introduced themselves to the CRC. They were absent from the previous organizational meeting.

Chairman Cummings announced that County Attorney Mark Scruby will not be present until later in the meeting due to a prior commitment.

It was noted that the past 2001/2002 CRC did not incur any budgetary expenses. A brief discussion ensued regarding the 2005/2006 CRC's budget. It was the general consensus of the CRC, should guest speakers be invited to future meetings, any expenses incurred would be submitted to the county manager for approval by the Board of County Commissioners (BCC). CRC members were informed that as volunteers for the study, they were not authorized to request mileage reimbursement for their travel.

Armando Pineda arrived at this time, fourteen members present.

**A brief discussion ensued regarding the importance of dissecting the Home Rule Charter article by article. A motion was made by Rob Bradley to not review the Clay County Home Rule Charter article by article, seconded by Mr. Lyons, motion carried 14-0.**

**Concerns/Issues:**

Una Cornelius, informed the CRC that the invitation of county elected officials to the 2001/2002 CRC meetings provided valuable information which helped to understand how local government worked and was instrumental in their group making politically correct decisions regarding the Home Rule Charter. She recommended that this CRC do the same.

Ralph Puckhaber suggested that the BCC be invited as guest speakers.

Michael Q. Rogers expressed the importance of this group to consider a “best practices” feel, maintaining a flexible agenda/style to carry out their business.

Mary Cooperman, stated that if each member of this CRC would provide the issues and concerns they may have, it would open up a user list for them to follow and focus on in the beginning of the study. It is her opinion that it is the responsibility of this group to know what their issues will be prior to the visit of guest speakers. This would help them to use the information to make educated decisions.

**Rob Bradley made a motion to poll the CRC members on the issues they are interested in discussing. Seconded by Roy Lyons, the motion carried, 14-0.**

**Jim Gann made a motion to invite elected officials as guest speakers after the CRC has made a determination of their issues. Seconded by Bill Garrison, the motion carried, 14-0.**

Chairman Travis Cummings opened the floor and suggested that each CRC member acknowledge their issues and concerns regarding the Clay County Home Rule Charter. He stated that there was no issue that was unimportant and that all issues would be discussed. The list would be narrowed down to very specific issues based on the majority vote of the group. Some of the group may already know what their issues are, while others may not be ready to make any informed comments at this time.

**Issue List:**

Ralph Puckhaber stated that the list of issues he wanted to discuss are: 1) Expand the BCC to seven (7) members and add two (2) at-large members, 2) revisit extending the current two, four-year term limit for the BCC, 3) if the CRC determines that the two at-large seats is a good idea, then visit the term-limits for single-member seats so those commissioners could run for the at-large seats immediately after their term expires, 4) discuss the county manager’s responsibilities particularly the organizational structure, 5) discuss a more flexible charter, 6) discuss the process of citizens initiatives to place issues on the ballot.

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Armando Pineda stated that he needed more information before he could make any recommendations.

Karen Lake stated she needed more information before she could make any recommendations.

Rob Bradley stated that there were many issues already mentioned that he was interested in and would like to also review the commission auditor’s position.

Michael Q. Rogers stated that he was open-minded about any issue at this time and did not want to draw any conclusions until he had acquired more information, particularly from guest speakers. He would like to discuss the BCC’s perspective of an assistant commission auditor and if the salary of this position would be appropriated by the BCC. Also, he would like to discuss the infrastructure of the county manager’s position, specifically the effectiveness of being

responsible for a large number of department heads; discuss economic development in Clay County; and lastly, discuss full-time vs. part-time BCC members.

Bill Garrison stated that many of the issues mentioned he also wanted to discuss. He would like to review and compare all of Florida's county charters and discuss a growth management council in Clay County. He would like to review the responsibilities of the county manager from a county leadership perspective, in that some counties have county mayors or county managers and they are elected positions. He stated that he was not advocating an elected county executive, but would like to simply discuss an elected legislator who would be the head of the government body who are sometimes elected by the county commission and sometimes by the electors.

In response to Bill Garrison's legislative model, Roy Lyons commented that the State of Tennessee's legislature determines what their counties will do and is practicing a county mayor concept which appears to be working well with an elected county mayor who takes on the role of a county administrator and is elected at-large. There is another at-large commissioner, a total of seven board members. The elected county mayor is the chief executive officer, with the county manager under him and accountable to the people. The system mentioned would make our BCC the legislative policy making board instead of the method they use now. Our county needs to have a vision for the next five, ten, fifteen years. This model would depict a five single-member district board, one at-large that is not the mayor and one at-large that is the mayor. It is Roy's opinion that now everyone is accountable to the BCC. The county manager is under the control of the BCC by a three to two vote. An elected position would be "a strong mayor" in his opinion.

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Brenda Rau stated that many of the issues discussed were of interest to her. She recommended that the CRC invite guest speakers early so if something is of interest to the group they will have time to pursue them. Ms. Rau informed the CRC that she did not understand the charter's repeated references to "pursuant to general law." Rob Bradley informed Brenda that general law is the Florida Statutes.

Glenn Oliver stated he needed more information before he made any recommendations.

Mary Cooperman stated that because of the county's fast growth, she would like to discuss the county having a seven member board that would include five (5) single-members and two (2) at-large members. Mary also concurs if the CRC agrees to extend the board to include the two (2) at-large members, then immediately after the terms of the single-members have expired, they should immediately be eligible to run for an at-large seat. Also, she expressed her concern that if too many positions are implemented in the government structure the budgetary expenses will need to be addressed. Further, it was Mary's opinion that local government should be hiring individuals who have higher educational qualifications, reflecting the educated citizens in our community.

A lengthy debate ensued regarding the qualifications for elected vs. appointed positions and the non-interference of the BCC was brought up. Chairman Cummings read from page four of the Home Rule Charter, "I. Non-Interference. County Commissioners may communicate with employees, officers, or agents under the direct or indirect supervision of the County Manager or County Attorney for the purpose of inquiry or information. Except for the purposes of inquiry or

information, a County Commissioner shall not give directions to or interfere with any employee, officer, or agent under the direct or indirect supervision of the County Manager or County Attorney. Nothing contained herein shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager or County Attorney.”

Gordon Jespersion stated that many of the issues he is interested in had been mentioned. He stated that he would like to know what the budgetary cost analysis would be for any additional positions the CRC determines should be included in the governmental structure and would like to review the citizen initiative process in the charter. Ralph Puckhaber recommended considering the county’s budget director and finance director to provide an estimate of those costs.

Jim Gann stated that he would like to discuss eliminating the current single-member districting for the BCC to at-large districting. It is his opinion that an at-large board is more accountable to the citizens of the county. Mr. Gann would like to discuss a residency requirement for candidates to live in their district prior to their election. Also, if the county manager remains an appointed position, discuss the requirement for additional education or certification for this position.

Una Cornelius stated that many of the issues she would recommend have been discussed. She expressed her concern of changing the single-member districting back to the at-large districting, in that this had not been in effect long, and it would be too early to make that change. She was informed that the only requirement was to wait for one year and then it could be placed on the ballot for the voters and would be effective January 2006 if passed.

RECESS 8:30 THROUGH 8:40

At this point, County Attorney Mark Scruby arrived and Chairman Travis Cummings informed him of what they had been discussing including inviting resourceful guest speakers.

Mr. Scruby recommended Mr. Bob Nabors as a guest speaker. He is extremely knowledgeable about government home rule charters, and served on the last Constitutional Revision Commission. Mr. Scruby offered his opinion that Mr. Nabors was responsible for the development of much of the law pertaining to home rule powers. Mr. Scruby let the CRC know that Mr. Nabors would probably disagree with his opinions in that his view of the forms of charter government are limited to those that are set forth in Part VI or VII of Chapter 125, Florida Statutes, the County Home Rule Powers Act. The constitution states that charter counties shall be established as provided by law and in his opinion, the problem is that one section of the statutes is about setting up a charter through an ordinance proposed by the sitting BCC. This is not the way Clay County’s Charter is organized. The second way it is to appoint a charter commission, which is an independent entity who, as a group, creates their own charter. As he expressed at the organizational meeting, our original charter received some consternation from the BCC about some of the provisions. They were informed that the charter was a product of the original charter commission and had to be presented as is to the voters. Another part of Chapter 125 provides for optional home rule charters and their three forms, which are the appointed county manager, appointed county administrator and then the elected mayor or chairman chief executive officer. The elected county manager is not one of the recognized forms

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in Chapter 125 of the Florida Statutes. It was the general consensus that Mr. Scruby should invite Mr. Bob Nabors to one of their meetings.

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Rob Bradley asked Mr. Scruby if he was aware of any county charter governments that are not formed consistently with one of the three he previously described.

Mr. Scruby explained that he would not be surprised if there were any, in that some counties went forth with another version of a charter and no one has ever looked at taking an issue with it and he has a problem with the notion of deviating from one of the three forms. The bottom line is would it work. A lengthy discussion ensued regarding Mr. Scruby's explanation of the statutes.

Chairman Cummings stated that he did not have any other recommendations to add and gave the group kudos for coming up with excellent ideas for the issue list. The following is the list of issues to be debated by the CRC.

1. Discuss expanding the five-member BCC to seven members, with two at-large commissioners;
2. Review the term-limit provision of the BCC;
3. Review the citizen initiatives articles of the Home Rule Charter;
4. Review the commission auditor's responsibilities and if this position can be funded to have multiple assistants;
5. Discuss a mayoral form of government:
  - a. An elected mayor (a strong leadership figure) who would be one of the two at-large seats should the expansion to seven members be one of the revisions.
6. Discuss economic development in Clay County;
7. Discuss county commissioners being full-time positions;
8. Review the county manager's responsibilities including the number of department heads under his supervision;
9. Discuss eliminating single-member districting in Clay County;
10. Discuss the educational requirements and/or any other qualifications for an appointed county manager;
11. Discuss constitutional officers being appointed versus elected;
12. Discuss term-limited commissioners being eligible to run for at-large seats if the BCC is expanded;
13. Discuss the effectiveness of a growth management council;
14. Discuss the bottom-line costs that any proposal/revision would be to the county taxpayers;
15. Discuss residency requirements for those seeking county commission seats.

Chairman Cummings asked Mr. Scruby if candidates are required to reside in their district prior to qualifying. Mr. Scruby explained that this issue has been litigated. The legislature made an attempt to require candidates to reside in the district when they qualified and it was stricken because it was in excess of the requirements of the constitution. The constitution was construed as being the only place where these qualifications were found. Instead, you have people who can qualify for a district they don't live in, but they can't take office until they move there if they win. This is a function of state law and the origin is the constitution. This case was applicable to either the county or the school board. Mr. Scruby volunteered to provide the CRC with the

summary of this case. Chairman Cummings asked Mr. Scruby if our elected, part-time commissioners should be required to work full-time. Mr. Scruby responded that he had not thought about this and was not prepared to say that this could be enforced.

Michael Rogers commented that we manage by objectives. The charter or the county has specific objectives that need to be accomplished to further the economic development, as well as other initiatives within the county's departments. He looks at it as managing an exempt employee, in that you work until the work is done.

Mr. Scruby stated that the Board of County Commissioners are exempt employees under the Fair Labor Standards Act and does not know how they could be quantified on their performance. There is no way to measure and put it into requirements.

Michael Rogers explained that he believed it was critical to look at the current structure of the county's organizational chart, in that there is no succession plan. The county manager is the only person according to the organizational structure that is in charge of the departments. There is no assistant. Someone should be designated to assume that responsibility.

Mr. Scruby explained that a chain-of-command or a sequence for succession was in place if the county manager was not available. At the present time, the county is in this mode and it is a two-layer succession. For a temporary absence of the county manager the human resource/county coordinator becomes the acting county manger. He does not have the budget authority, but does direct all department heads and if the county manager becomes permanently disabled or for whatever reason resigns, the human resources/county coordinator becomes the acting county manager. Recently, our county manager resigned and the succession provisions of the County's Administrative Code took effect automatically in elevating the Human Resources Director/County Coordinator to the position of Acting County Manager. One of his first acts was to put someone in the human resources position since it was vacated. The Board debated if they wanted the human resources director to serve as acting county manager or get someone else to do it and they decided to leave it the way it was. The system has worked out well. The human resources coordinator is located down the hall from the county manager's office and it is his job is to assist him with special projects and dealing with individual departments. He is a liaison for the county manager and does not provide direction necessarily. The department head is not in that chain of command. The county coordinator is defined in the Administrative Code as the human resources director/county coordinator, sort of the assistant county manager. From an organizational chart standpoint, the human resources director/county coordinator is on the same level as all other department heads. The county is supposed to be organized by department. The Administrative Code creates a department and then the head of that dept is filled by the manager. The county manager has the sole authority to hire and fire department heads.

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Michael Rogers inquired how the county measures the Board's part time positions. Mr. Scruby explained that the Board does not clock their time and there are no time sheets. They work under the same principle as our constitutional officers.

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Michael Rogers stated that over 60% of the residents in Clay County currently work outside of the county, and it is his opinion that there is a need to model what the county's future will be facing with all of the growth.

Mr. Scruby explained that the CRC should keep an open-mind that some of their issues could cause some mischief. Our charter is structured so that the legislative duties, the policy making duties and the budget duties are all the responsibility of the Board. The executive branch under the charter government prepares a tentative budget that proposes priorities and plans, and then carries out the plan set forth in the adopted budget in accordance with the appropriations provided therein. The CRC may want to discuss this issue further to ensure that its members have a full understanding of what the legislative and executive functions of County government are.

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Chairman Cummings explained that this issue would remain on the list for discussion at a later date.

Mary Cooperman stated that Clay County has an Economic Development Council affiliated with the Chamber of Commerce.

Chairman Cummings recommended that the CRC should try to meet twice a month so they can debate each of the issues on their list. The next meeting is scheduled for Monday, October 17, 7:00 p.m., MR1 of the Tax Collector's Office. Future meetings may be held in different areas of the county to get public input.

**Rob Bradley made a motion for the CRC to set their meeting dates for the first Thursday and third Monday of each month, subject to modification at any given meeting. Seconded by Roy Lyons, carried 14-0.**

Chairman Cummings explained that they had 15 items on their list and at their next meeting they would have to short-list some of them by combining or deletion. Those remaining will have to be debated so we can decide if we want to keep them and how they will be addressed.

Bill Garrison suggested that each issue be discussed for a motion and then voted on until they have covered each of them.

Rob Bradley stated that not only would there be issues that could be combined, but by natural selection, the issues could be broken down into three general areas quickly. He recommended keeping all 15 issues on the table and work at eliminating them as they were debated.

Ralph Puckhaber stated that the previous CRC also had an issue list and as each one was debated, most of them were eliminated early in the study. The issues discussed this evening were interesting to him and he is looking forward to their debate.

Chairman Cummings explained that this group must seriously get some discussion behind them by January to be sure they will have enough time for their three public hearings. Guest speakers need to appear early so we can move forward in a timely manner. At the next meeting we will

discuss inviting Mr. Bob ~~Nabors~~, as a guest and do some benchmarking and a best practices game plan. We will try to close the meetings at 9:00 p.m.

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Ralph Puckhaber stated that when their issue list gets out to the public they would receive input from them. He suggested that the setup of the table sitting be arranged so it would be more conducive for the public to feel like they are participants.

Mr. Scruby explained to the group that they should be flexible because as they debate issues, more of them may emerge. Comments from the public will create more ideas, and the input will provide you a more intensive study. Milestones must be set for the duration of your study and everyone must be aware of them so you will be ready to move forward as each issue is debated.

The ~~charter requires the CRC to hold three public hearings. Following the hearings, the CRC adopts a resolution transmitting its recommendations to the BCC, if any.~~ That resolution would literally have text for the ballot question, the ballot title and the actual text change that would appear in the charter. So at some point, you will want to provide staff direction on how you will arrange the text in writing so it can be edited. This text can be emailed to each of you and you can then review and submit your ideas how to modify the text. This needs to be a work in progress and nearly completed by the time you get to the public hearing stage.

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Rob Bradley asked if there could be language modifications once the public hearing process began. Mr. Scruby explained that there could only be simple modifications. The subject matter should not be changed too materially because it may be too late in the process to begin another set of public hearings. If this should happen, you may have to recommend that the Board consider the changes and that you did not have the opportunity to promote the issue. Once it is adopted, the Board has to put it on the ballot. Mr. Scruby further explained that if the material is patently unconstitutional, as the County Attorney for the Board and he sensed that the direction of the CRC is not going smoothly, would probably go to the Board and tell them that he is withdrawing as an advisor to the CRC and request that they engage in an attorney for them at their choice. The CRC can engage in an attorney of their choice now if you so desire. Mr. Scruby advised the CRC that he could find himself in no mans land if they came up with a proposal that he felt could absolutely not go on the ballot because it is patently unconstitutional.

There were no public comments or questions.

**Mary Cooperman made a motion to adjourn. Seconded by Ralph Puckhaber, carried 14-0.**

With no further business to discuss, Chairman Cummings adjourned the meeting at 9:33 p.m.

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Travis Cummings, Chairman

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Ann Mitchell, Recording Secretary