

**MINUTES
CLAY COUNTY, FLORIDA
2009/2010 CHARTER REVIEW COMMISSION
MARCH 1, 2010**

CALL TO ORDER

The Charter Review Commission (CRC) met in the BCC Meeting Room, 4th floor of the Administration Building, 477 Houston Street, Green Cove Springs, on the above stated date.

INVOCATION

Stanley F. Pfenning

PLEDGE OF ALLEGIANCE

All members recited the Pledge of Allegiance.

ROLL CALL

The following were present: Madam Chair Ann B. Wiggins, Joe Anzalone, Bryan Campbell, Keith R. David, Michael Kerekes, David Mickel, Helen M. Mohorich, Thomas Nazworth, Sr., Stanley F. Pfenning, Bob Rinker, Walter H. Rountree, and Rod D. Swartz.

The following were absent: Frank F. Andrea, Mark J. Easterling, Sr., Vice Chair, and Joe Mobley.

APPROVAL OF MINUTES

Mr. Campbell moved to approve the minutes of the regular CRC Meeting of February 18, 2010. Mr. Nazworth, Sr. seconded the motion, which **carried 9-1, with Mr. Pfenning dissenting.**

Mr. Anzalone arrived at 7:16 pm.

Mr. Kerekes arrived at 8:03 pm.

Guest:

Board of Directors Chairman Ron Coleman and Business Advocacy Chair John Tabor, both were present representing the Clay County Chamber of Commerce (CCCC). The intent of the CCCC is to be a participant for the betterment of the county. They want to take a formal position to consider preventing or removing artificial or arbitrary restrictions on the conduct of a legal business within Clay County, i.e. Sunday alcohol sales. To arbitrarily select certain businesses who are legally licensed to sell a particular product is anti-business and sets a dangerous precedent that allows government to

interfere with the running of private enterprise. Mr. Coleman provided statistics regarding the changes of alcohol sales in other states, as well as other surrounding counties and local municipalities. The CCCC suggested the CRC consider the following as part of their larger plan:

1. Review the benefits of an appointed superintendent of schools.
2. Initiative petition process and amending of the Charter should truly reflect the will of the electorate.
3. Revisit the At-Large representation and the makeup of the BCC.
4. Mr. Tabor suggested the CRC review the purpose of the charter at a strategic level since it had been 20 years since there has been a study of the Charter itself, examining the facts based on the objectives laid out when the charter was first put into place.

Guest:

Commission Auditor Mike Price read Article II, Section 2.3D, Commission Auditor, of the Home Rule Charter, "Commission Auditor of the current Home Rule Charter(1) The Commission Auditor shall be appointed by and may be terminated with or without cause by a majority of the membership of the Board of County Commissioners. The Commission Auditor shall be responsible for the maintenance of the internal controls employed to monitor and document financial, performance, efficiency and compliance matters related to all components and programs of County government directly under the Board of County Commissioners, and for interfacing with all external auditors engaged by the Board of County Commissioners." Mr. Price explained that internal controls are a huge part of his job and he reported directly to the Board of County Commissioners. The primary control for Clay County government is the Home Rule Charter which sets the rules and grants specific power to elected and appointed officials, as well as limiting their power to do specific things. The next most important control in county government is the county budget which is set by the Board of County Commissioners; rules are written into policies and procedures propagating them through a wide range of specific policies and rules. The county's purchasing policy places controls on the County Manager on how and when he can spend money, and under what circumstances he can spend it. It exposes him to different levels of review and oversight by the BCC itself. The last level of control falls within the information technology system over our management information and financial information systems. It is his job to help the BCC exercise its oversight responsibility to make sure the county manager and the county attorney adhere to all of the rules of this hierarchy of internal controls and advise them when it is not happening. The charter precludes the commission auditor from auditing constitutional officers. A lengthy discussion ensued with a question and answer session regarding the Clerk of the Court having oversight on the county's funds and the effectiveness of the charter form of government versus a non-charter form of government. Discussion also ensued regarding outside auditors

versus internal auditor. Mr. Price read for the record beginning with the Separation of Comptroller Duties on page 15 of the 1997 Report of the Grand Jury (attached). External auditors audit the constitutional officers.

Clerk of the Court James B. Jett was present to answer questions. He explained that it was the position of the Florida Association of the Board of Clerk's that the county comptroller should be an independently elected official simply to provide checks and balances, as well as oversight of financial transactions. Under Florida Statutes 129.015, the submission of the budget can be done by anyone. It does not have to be an independent clerk of the court.

RECESS

OLD BUSINESS

- Based on Cook v. City of Jacksonville, 823 So.2d86 (Fla. 2002), County Attorney Mark Scruby informed the CRC that it was his opinion term limits could not be imposed for elected school board members, and an elected or appointed superintendant of schools.

After discussion, Mr. Rountree moved to table term limits for school board members and the superintendant of schools. Mr. Nazworth, Sr., seconded the motion. After further discussion, Madam Chair called the question. Mr. Campbell seconded the call to the question, **which carried 12- 0.**

At the February 18, 2010 CRC Meeting, term limits for school board members and superintendant of schools was removed from the CRC "Issue List" based on Mr. Scruby's opinion that term limits could not be imposed. It was again brought up at today's meeting because five (5) CRC members were absent at their last meeting. Based on the motion above, "Term Limits" will be placed back on the CRC Issue List as item #10.

PUBLIC COMMENTS

Consider CRC sessions convening longer than four (4) years.

- Marsha Willoughby, 3812 Creek Hollow Lane, Middleburg: Suggested the CRC convene every six years. Spoke about the importance of keeping the political interests and the integrity of our charter separate.

After discussion, Mr. Kerekes moved that Charter Review Commissions continue to convene every four (4) years. Mr. Nazworth, Sr. seconded, **which carried 12-0.**

After discussion, Mr. Rinker moved to propose an amendment to the Charter consisting of 15 electors of the County shall be appointed by the Board of County Commissioners at least 15 months before the general election, rather than 12 months. Mr. Pfenning seconded the motion, **which failed 2-10.**

It was the general consensus that the final report to the BCC should include, 1) the citizen's petition form, and 2) CRC appointments of CRC members earlier than 12 months on the CRC's Final Report to the Board of County Commissioners.

Discussion of # 8, "If the county needs a charter form of government".

Fred Catchpole, 3812 Creek Hollow Lane, Middleburg: If the charter was eliminated it would encourage bad deeds and limit independent scrutiny by the voters and interferes with the voters from participating in the government. Any attempt to eliminate the charter would be adverse to the rights of the citizens.

After discussion, Mr. Pfenning moved to indefinitely table item #8 of the Issue List, "If the county needs a charter form of government". Mr. Mickel seconded the motion. After discussion, Mr. Nazworth, Sr. moved to amend the indefinite motion and table item #8 of the Issue List for 30 days. Mr. Kerekes seconded the motion, **which carried 9-3.**

After discussion, it was the general consensus to approve the following schedule of meetings to discuss the issues as indicated below:

Issues #1 and #3 will be placed on the CRC Meeting Agenda for discussion on Monday, March 15, 2010.

1. 2005-2006 Clay County CRC Final Report.
There is one item left to discuss in this report regarding a modification proposal for the citizen's initiative to make the requirements consistent with county population as opposed to relative to voters that came out in the previous years.
3. Consideration of a proposed referendum related to legalized gambling in the State of Florida.

Issues #4 and #5 will be placed on the CRC Meeting Agenda for discussion on Thursday, March 25, 2010.

4. Consideration of a ballot question to change the time for Sunday alcohol sales in Clay County.
5. Consideration to require the BCC to hold two public hearings when straw ballots are approved.

Issues #6 and #7 will be placed on the CRC Meeting Agenda for discussion on Monday, March 29, 2010.

6. Reservation of power by the electorate.
7. Discussion regarding the removal of the auditing functions from the Clerk of the Court.

Issue #9 will be placed on the CRC Meeting Agenda for discussion on Thursday April 8, 2010.

9. Consideration for registered voters in Clay County to have the right to reduce, suspend or rescind impact fees.

Issues #8 and #10 will be placed on the CRC Meeting Agenda for discussion on Monday, April 12, 2010 for discussion.

8. Discussion if the county needs a charter form of government.
10. Term limits for school board members.

Ms. Mohorich moved to approve the schedule of meetings and issues presented. Mr. David seconded the motion, and **carried 11-1, with Stan Pfenning dissenting.** Meeting announcements will include the description of the issues. Two issues will be on each meeting agenda and discussed until they are completed.

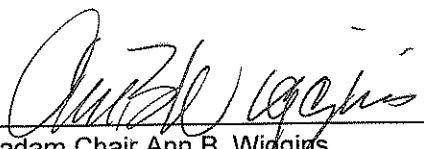
Mr. Swartz moved to rescind the motion to approve the schedule of meetings and issues. Mr. Campbell seconded, **which carried 12-0.**

Mr. Campbell moved to approve the new schedule of meetings and issues as they stand. It was seconded, and **carried 12-0.**


It was the consensus that all future CRC meetings will begin at 6:30 p.m.

It was the consensus to discuss retaining an outside attorney at the next CRC meeting of March 15, 2010, under Old Business.

Mr. Rinker moved to adjourn. Mr. Campbell seconded the motion, **which carried 12-0.**



Madam Chair Ann B. Wiggins



Ann Mitchell, Recording Secretary

AGENDA
2009/2010 CHARTER REVIEW COMMISSION
Monday, March 1, 2010
7:00 p.m., BCC Meeting Room

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES February 18, 2010

GUESTS

- Clay County Chamber of Commerce
Kellie Jo Kilberg, President/Chief Economic Officer
- Commission Auditor Mike Price

OLD BUSINESS

- Report from County Attorney Mark Scruby regarding if the charter can address term limits for school board members and the superintendent of schools.
- Discuss Issue #3 of the previous Issue List that is now Issue #2 (Consider CRC sessions convening longer than four (4) years).
- Discuss retaining an outside attorney.
- Briefly review all of the issues on the CRC "Issue List".
 1. 2005-2006 Clay County CRC Final Report.
 2. Consider CRC sessions convening longer than four (4) years
 3. Consideration of a proposed referendum related to legalized gambling in the State of Florida.
 4. Consideration of a ballot question to change the time for Sunday alcohol sales in Clay County.
 5. Consideration to require the BCC to hold two public hearings when straw ballots are approved.
 6. Reservation of power by the electorate.
 7. Discussion regarding the removal of the auditing functions from the Clerk of the Court.
 8. Discussion if the county needs a charter form of government.
 9. Consideration for registered voters in Clay County to have the right to reduce, suspend or rescind impact fees.

NEW BUSINESS

- Discuss scheduling more CRC meetings.

ANNOUNCE THE NEXT MEETING DATE AND TIME

CRC COMMENTS

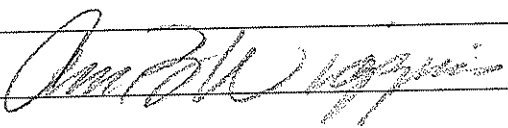
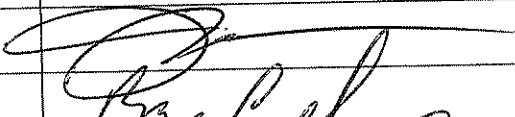
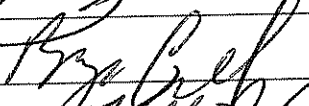
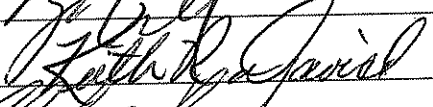

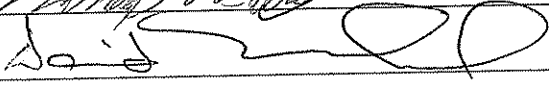
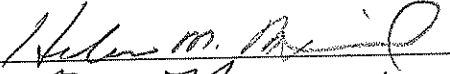
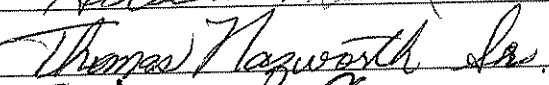
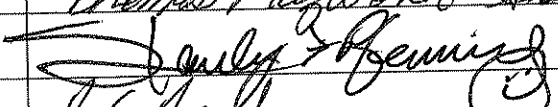
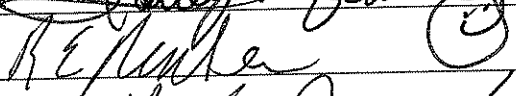
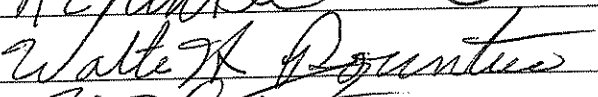
PUBLIC COMMENTS

ADJOURNMENT

**2009/2010 Charter Review Commission
Sign-in Log
BCC Meeting Room**

March 1, 2010

7:00 pm

NAME	SIGNATURE
Ann B. Wiggins, Chair	
Mark J. Easterling, Sr., Vice Chair	
Frank F. Andrea	
Joseph Anzalone	
Bryan Campbell	
Keith R. David	
Michael Kerekes	
David Mickel	
Joe Mobley	
Helen M. Mohorich	
Thomas Nazworth Sr.	
Stanley F. Pfenning	
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