

MINUTES
2009/2010
CHARTER REVIEW COMMISSION
November 16, 2009
7:00 pm, BCC Meeting Room

The 2009/2010 Charter Review Commission (CRC) met on Monday, November 16, 2009, 7:00 p.m., in the BCC Meeting Room, 4th floor of the Administration Building, 477 Houston Street in Green Cove Springs. Those in attendance are listed on the attached sign-in sheet. Joe Mobley and Tom Nazworth Sr. were not in attendance for the duration of the meeting.

With the exception of a spelling correction on page four; by affirmation, the November 4, 2009 CRC Minutes were approved. Thomas Nazworth Sr., Joe Mobley, Stanley F. Pfenning and Joe Anzalone were not present at this time.

ICT Director Scott Kerr informed CRC members to access their county email accounts with the standard county email address as its employees; that being the first name dot last name at co.clay.fl.us. For example: jane.doe@co.clay.fl.us. A distribution list was created on the county's website for citizens to submit a comment or email CRC members.

Stanley F. Pfenning arrived.

Bryan Campbell moved; seconded by Frank F. Andrea, carried 12-0 to accept the proposed CRC meeting schedule with the exception of Monday, July 5, 2009 which will be observed as a holiday.

Discussion ensued to consider retaining an attorney to represent the CRC. It was the CRC's general consensus to continue their legal inquiries to County Attorney Mark Scruby. Mr. Scruby made it clear to the CRC that should a conflict of interest arise, he would provide enough notice for them to consult with another attorney.

Joe Anzalone arrived; 13 members present.

A lengthy discussion ensued regarding options for remote access to citizens. Madam Chair Wiggins designated a sub-committee consisting of Joe Anzalone, Bryan Campbell and Bob Rinker to research potential options for remote access of CRC meetings to citizens and provide a report at the CRC meeting of December 7, 2009.

Madam Chair Wiggins informed the CRC that she contacted the Clay County Chamber of Commerce to invite someone to speak about the Home Rule Charter and if there is anything within the charter that could be changed that would help benefit Clay County. Administrative Assistant Ann Mitchell was delegated to arrange for President Chief Economic Officer Kellie Jo Kilberg to attend one of their CRC meetings.

Guest:

Supervisor of Elections Chris H. Chambless informed the CRC that overall, he was pleased with the Home Rule Charter as it stands today except for certain sections that pertain to the election process; more specifically the Charter Amendment and Ordinance Initiative Process. Copies of Section 2.2 and 4.2 of the Home Rule Charter were provided to the CRC. Section 2.2 (i) speaks to the Ordinance Initiative Process, and Section 4.2 (A) speaks to the Charter Amendment process by petition method, which in his opinion he felt should be amended (attached). The amendments were as follows:

1. The Supervisor of Elections shall review as to the sufficiency of the format only and notify the sponsor and the Board of County Commissioners of Clay County in writing within fourteen (14) days whether the format complies with the example specified by County ordinance. No review as to the legal sufficiency of the text of the proposed charter amendment or other ordinance will be undertaken by the Supervisor of Elections. **Note: Often the sponsors mistakenly look to the Supervisor of Elections for guidance as to the legal sufficiency of the text submitted in not only an amendment petition or an ordinance initiative.**
2. Any persons, group, club, or entities as defined by Chapter 106, Florida Statutes, as a political committee and required to comply therewith, which circulates or sponsors any charter amendment or initiative ordinance petition shall file with the Supervisor of Elections as a political committee pursuant to F.S. ch.106, prior to circulation of any such amendment or initiative ordinance petition. **Note: This would require the petitioner or group sponsoring the petition to register as a political committee prior to sponsoring or circulation any petition.**
3. Petition responsibility. It is the responsibility of the circulator(s) of a petition to: (1) Acknowledge in writing to the Supervisor of Elections that a copy of this section has been obtained and reviewed as to each party's respective responsibilities under this section; (2) Develop the format of the petition pursuant to the provisions of this ordinance and comply with the example specified by County ordinance; (3) Mass produce the petition; (4) Circulate the petition for signatures; (5) Timely present signed petitions to the Supervisor of Elections; (6) Verify the legal requirements of any petition, as to both substantive and procedural matters. Inasmuch as the office of county attorney represents Clay County, it cannot serve as legal advisory to circulator(s) or sponsors of any such petition(s) due to

the potential for conflict(s) in professional representation. **Note: This is more the sake of clarifying to the individual the process; this outlines the petitioner's responsibilities.**

4. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media, provided such forms are reproduced in the same format as approved by the Supervisor of Elections. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken-line separating them, delineating them from the advertisement. Said reproductions and inclusions shall be deemed a political advertisement as defined by law and shall be subject to the disclosures as required by F.S 106.43. The foregoing notwithstanding, all petition forms to be filed with the Supervisor of Elections for verification must comply with the petition size requirements set by Clay County ordinance. **Note: This illustrates the guidelines necessary to reproduce the petition in other forms of printed mass media.**

Mr. Chambless addressed the petition form itself as specified by County Ordinance section 2.9 suggesting that the County adopt the format as provided by the State Form (DS-DE 19) attached. This form provides a better guide as to the format of the form itself, as well as reference cites to applicable statute and rules. The form also provides for a "For Official Use Only" block highlighting the Serial Number and Date Approved which would then be shown on the source document used for the mass production of the petition. Using a standardized format such as this provided for better control and accuracy.

Further, Mr. Chambless stated that while the proposed suggestive amendments would not be significant, he strongly feels that they would provide greater clarity in the various processes and overall will make our governing document better for all.

Question and answer session ensued.

Recess

Guest:

Clerk of the Court James B. Jett explained that the Home Rule Charter was established in 1989/1990 and was adopted January 1991, at which time he was a County Commissioner. During this time, the Clerk of the Circuit Court was the county's comptroller and was responsible for all duties. In 1996/1997 a major grand jury convened and after the investigation recommended that an amendment be placed on the ballot to separate the functions of the Clerk of the Circuit Court and place them under the Board of County Commissioners. As of January 1, 2000, the comptroller's functions were transferred to the Board of County Commissioners. On July 1, 2004, the

budgetary function of the Clerk of the Circuit Court was changed to a fee officer under the State of Florida. The Home Rule Charter no longer affects the office of the Clerk of the Circuit Court in any manner other than those designated to that office by the Board of County Commissioners which are the following: (1) In 2004 Legislature began funding the technology of the court system with a \$2.00 fee added to court documents for recording official records. This is deposited into county funds monthly and those dollars have been managed on behalf of the Board of County Commissioners successfully for the past five years; (2) The county archivist was a position created by the Board of County Commissioners approximately five years ago and was transferred to the Clerk of the Circuit Court to manage due to the fact that most of the records within that office becomes archival at some point; and, (3) The portion of the budget that includes court security, branch offices, and telecommunications, etc.

It was the consensus of the group to create a CRC "Issue List" that will list all possible issues to be debated and considered for potential change to the Home Rule Charter; eliminating issues not to be considered throughout the CRC session to determine if there will be any amendment changes to the charter. Issues will be added at the list as they are identified and will be reflected with the official minutes of each CRC meeting. Issues added to the list from today's CRC meeting will be: 1) The recommendations provided by the 2005/2006 CRC; and 2) the suggested amendments the Supervisor of Elections Chris H. Chambless submitted regarding the Ordinance Initiative Process and the Charter Amendment Process by petition method.

It was the general consensus to invite the Chairman of the 2005/2006 CRC, as well as any of the other past CRC members interested in providing any information.

Stanley F. Pfenning will draft a press release that would introduce the 2009/2010 CRC members and provide detailed contact information to encourage citizens to follow the progress of the CRC at the next CRC meeting.

Adjourned at 8:30 p.m.


Madam Chair Ann B. Wiggins


Recording Secretary Ann Mitchell

AGENDA
2009/2010 CHARTER REVIEW COMMISSION (CRC)
Monday, November 16, 2009
7:00 pm, BCC Meeting Room

Call to order

Approval of November 4, 2009 CRC Minutes

CRC Email Access (Scott Kerr, ICT Director)

Remote Access Report (Joe Anzalone)

Discussion of CRC Meeting Schedule

Guest Speakers

- 7:30 pm Chris H. Chambless, Supervisor of Elections
- 8:00 pm James B. Jett, Clerk of the Court

CRC Comments

Public Comments

Adjourn

2009/2010 CHARTER REVIEW COMMISSION
SIGN-IN LOG

BCC Meeting Room

November 16, 2009

7:00 p.m.

NAME	Email or Phone Number
Bob RINKER	
Rod Swartz	
Walter Rountree	
Helen MORICCH	
Bryan Campbell	
ANN WIGGINS	
Mark Eastonling	
L. Frank ANOREA	
Keith R. Davis	
[Signature]	
[Signature]	
Joe Amzalone	