

**MINUTES  
CLAY COUNTY  
CHARTER REVIEW COMMISSION  
March 20, 2006**

The Clay County Charter Review Commission (CRC) met on Monday March 20, 2006, 7:00 p.m., at the Board of County Commissioner's Meeting Room, fourth floor of the Administration Building, 477 Houston Street, Green Cove Springs, Florida, 32043. Those in attendance are listed on the attached sign-in sheet.

Jim Gann led in the Pledge of Allegiance.

**Amendment of the March 20, 2006 minutes as follows:**

Rob Bradley, page 16, paragraph five, with the following changes:

Mr. Watts: is it a situation that you can't have all of the votes come ~~from~~ from Miami for instance, so they try to apportion across the state so that you get a certain percentage from ~~a~~ each congressional district?

Chairman Travis Cummings, page 11, with the following changes.

One of those two at-large ~~would~~ could be an elected chair.

Jim Gann, page three, paragraph seven, with the following changes.

Jim ~~Bill~~ Gann

**Mary Cooperman made a motion to approve the March 20, 2006 minutes as amended. George Espada seconded the motion, which carried 14-0. Vice-Chairman Michael Q. Rogers was not in attendance.**

**Agenda item number three:**

Approval of payment to Cobb & Cole, in the amount of \$660, for professional services rendered to the Clay County Charter Review Commission.

**George Espada made a motion to approve the payment to Cobb & Cole, in the amount of \$660.00, for professional services to the CRC. Mary Cooperman seconded the motion, which carried 14-0.**

Mary Cooperman: Inquired about the first entry of the Cobb & Cole statement of fees, "02/17-06, Reviewed proposed agenda item from Commissioner Rogers regarding semi-annual workshops on charter government, 0.20 hours."

Chairman Cummings: Explained that Mr. Allen Watts' reviews all of their CRC agendas so he will be properly prepared for any questions. Vice Chairman Michael Q. Rogers placed this on the agenda to discuss a requirement that there be a public workshop to educate the residents on Clay County's Home Rule Charter.

Allen Watts: I always try to review your agendas so I will know what is expected of me in terms of resources so I can try to answer any questions that may come up.

**Agenda item number four: Discussion to adopt a Sub-Section 2.2 of the non-interference clause authorizing the Board of County Commissioners (BCC) to conduct investigations when needed.**

Gordon Jespersen: At our last meeting Allen Watts' informed us that there were other CRC's that had adopted this and I wanted to bring it back up to discuss the language and adopt some of it. This is already a power that the BCC has, but it would make it clear in our charter if that language was included; just the portion dealing with investigation.

Chairman Cummings: This is a separate sub-section clause being discussed by the Columbia County CRC which they will be considering tomorrow evening.

Allen Watts: How you package this will be a decision at the end of the process; whether some will deal with a single general subject and can be in one amendment, or whether they need to be divided into separate amendments.

Roy Lyons: We are talking about the non-interference clause, right?

Chairman Cummings: We are talking about one portion of it. This came up when we were discussing strengthening the non-interference clause, and the entire BCC to be held accountable. If you had a county manager that was stone-walling the BCC by trying to conceal information and not informing them, this clause would allow them to conduct investigations. The proposed clause for Columbia County's Charter was, "The Commission may make investigations of county affairs, inquire into the conduct, accounts, records, and transactions of any department or office of the county, and for these purposes require reports from all county officers and employees, subpoena witnesses, administer oaths, and require the production of records." We also discussed if county officers should be included, those being the constitutional officers. That was a key issue that seemed to generate some support from many of the CRC. The non-interference clause language was previously finalized and this sub-section was brought up at our last meeting.

Gordon Jespersen: We tabled this issue at our last meeting after we discussed if we would specifically name the constitutional officers in the resolution.

Rob Bradley: What was that discussion regarding a resolution? I don't recall that.

Gordon Jespersen: It was about county officers which would include the constitutional officers. We discussed briefly if we should name them.

Rob Bradley: My recollection of the resolution of that issue was that Allen Watts' indicated that the State of Florida Constitution considers county officers to include constitutional officers.

Gordon Jespersen: He pointed that out at our last meeting and for clarification purposes we thought that we would put that language in the clause.

Chairman Cummings: Asked Mr. Watts' if the proposed clause would be part of their current non-interference clause that has been drafted, or would it be a separate ballot question?

Allen Watts: Logically, it could be made part of the non-interference clause. The decision on whether or not to divide the question is in part a legal question. The investigatory power is a clarification or exception to the non-interference clause. Another words, it is saying that it is not considered interference to do investigations, including all of the things that are listed in the language that Columbia County is considering. So, they can be made one amendment. You may also decide to make them two different ballot questions.

Roy Lyons: Does the BCC have the authority to investigate because they are the BCC?

Allen Watts: They do have the inherent power of legislative bodies and this is what I advised you at the last meeting. Legislative bodies such as Congress, the State Legislature, and to the extent of their legislative powers; the BCC have an inherent authority to investigate and inform themselves so that they can know what changes in policies may be necessary. It is an implicit power of all such bodies, but the question before you is whether or not to make it explicit in part, as opposed to strengthen the apparent authority of the BCC. Clearly, in part, you would want to make it as an exception to the non-interference clause by saying with this kind of conduct from the BCC is not considered interference. That is why it came up with the context of the discussion about the non-interference clause. It can be made as a separate amendment depending on your political judgment as you begin to prepare these items for the public hearings.

Roy Lyons: Why couldn't we add that to the bottom of the non-interference clause exactly in the words you just used?

Allen Watts: In my judgment, you can't.

Ralph Puckhaber: Does that cause a problem with the single-subject matter?

Allen Watts: No.

Roy Lyons: We can just add that language to the bottom of the non-interference clause authorizing them to conduct investigations when needed.

Chairman Cummings: I apologize that the non-interference clause and the draft that we decided to place on the ballot is not ready to review. The text the CRC agreed upon beginning with the first sentence: "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, county attorney, or commission auditor. Second sentence: "Such action shall be malfeasance with the meaning of Article IV, Section 7)a) of the State constitution." Third sentence: "County Commissioners may communicate with employees, officers, or agents under the direct or indirect supervision of the County Manager, County Attorney, or the Commission Auditor for the

purposes of inquiry or information.” Fourth sentence: “Nothing contained herein shall prevent a county commissioner from referring a citizen complaint or request to the County Manager, the County Attorney, or the Commission Auditor.”

Allen Watts: It is easy to describe what that combined amendment would do in 75 words.

Mary Cooperman: We were talking about the constitutional officers previously in this discussion where the State Constitution names them. Were you implying that would be in this clause, because it does not?

Chairman Cummings: At our last meeting the minutes reflected that the State Constitution clearly names the constitutional officers as a county officer. Mr. Watts’ can attest that the language would include the five constitutional officers.

Ralph Puckhaber: The minutes from our last meeting reflect that all county officers include all of the constitutional officers.

Mary Cooperman: They can’t be audited by the county commissioners.

Ralph Puckhaber: There is a difference between a county audit and an investigation.

Allen Watts: For reading purposes only, an updated a summary of research was submitted on the whole extent to which the constitutional officers may or may not be addressable by the charter. It is only reading material for the CRC. It under guards the opinion that I gave you that the investigatory power by this language would extend to the constitutional officers. You will notice as you are reading the background information that it is not entirely settled how far you may go with the constitutional officers. The Duval County Charter clearly said that the deputies of the Clerk of the Court and the other constitutional officers could be made subject to the County Civil Service system. However, in a case that deals with really a very narrow point of law, there was a decision that says that the charter can not limit the terms of the constitutional officers without abolishing them as constitutional officers and recreating them as charter officers. There is an attorney general’s opinion on the audit question that you have raised to similar affect, but the attorney general doesn’t really go through a study of the difference between the executive power of a non-charter BCC which clearly does not extend to constitutional officers and the legislative power, which I think extends in a charter county as far as the legislature itself might legislate. That would include the investigatory power that is carded parcel of the legislative power. I think that you could direct the investigatory power to the county officers without abolishing their constitutional status.

Roy Lyons: Didn’t that happen in this county a few years ago with John Keene? Didn’t the county commissioners investigate the Clerk of the Court and that is the reason that things were changed?

Rob Bradley: That was a grand jury investigation.

Roy Lyons: It started with the county commissioners.

Una Cornelius: Yes, it was. The CRC brought it up to take care of that. The second CRC group recommended separating the powers of the Clerk of the Court to the County Manager.

Mary Cooperman: What are we saying?

Roy Lyons: That the county commissioners have investigative powers over the constitutional officers.

Rob Bradley: I would agree that the BCC have inherent powers as a group to do such investigations; yet, we are proceeding with this language to make it clear to them and to make a statement to clarify, and while we are making it clear whether they are inherent or not, I don't see a reason why we wouldn't explicitly say that they have the power to investigate the constitutional officers. It is Mr. Watts' opinion, and I agree with it, that we don't have to pass this particular passage in order for them to do these things, yet we are going forward and advocating passage of it, which I think is wise to do. While we are in that mode of making things clear, so everybody understands, I see no reason why we wouldn't just add that language of the constitutional officers to clarify it. The reason I say that is because I think that we have to look at our history as a county, and it is obvious that the history of the county is one where those particular offices have perceived themselves as being self-sufficient and handle their own affairs; you handle your thing and I will handle mine. I don't say that critically, I am just saying it as a matter of fact. If we are looking to change that dynamic, then let's be clear about it.

Ralph Puckhaber: Would it be easier to just have the language say county officers include, or including constitutional officers, or something to that affect?

Allen Watts: Actually, unless you create our officers under your charter, the county officers include the five specific county officers that are named in Article VIII, Section 1(d) of the State Constitution, plus the BCC, and the school board members. All of those have been held by the Supreme Court to be county officers.

Ralph Puckhaber: That is my point. Sometimes, by trying to clarifying you can muddy it unless you want to list all of the officers.

Roy Lyons: It is already there.

Rob Bradley: Who would we be muddying if we were to include the words, including constitutional officers? This whole sentence is redundant based on Mr. Watts' opinion which is, it is ok to be redundant if you are trying to make a point. If we are trying to make a point, let's make one.

Allen Watts: I think that the reason we are adding this in is still in part to keep from having your other language on the non-interference clause being construed to preclude any interference. If the BCC can't interfere with the county manager, then some might say that the case is even stronger to prevent them from interfering with the elected constitutional officers. This sentence explains that argument.

Rob Bradley: I accept that, and I withdraw my concerns because they have been satisfied.

Roy Lyons: It just authorizes that the BCC can conduct investigations when needed.

Bill Garrison: I don't see the need for the sentence to start with because it is already inherent in the constitution. If we are going to do it, I support Rob's idea that we specifically state constitutional officers.

Chairman Cummings: If we are going to include just part of that, I think that you can pretty much just document who all of the county officers are including the school board members.

Roy Lyons: It is already documented who the county officers are.

Rob Bradley: I get internal chuckle thinking about the idea of the BCC saying that they were going to discuss our investigation of the Clay County School Board. Who are we going to have to conduct this investigation today? That would be pretty funny. That is not going to happen. Now, it could happen if we put it specifically in the clause, but I don't see that happening.

Bill Garrison: The circumstances that would lead to the county commission feeling like they needed to investigate other county officers would be pretty dire circumstances. They already have the right according to the constitution, so I don't know what is gained by not cluttering or adding additional language to the charter. I personally would be opposed to adding unnecessary additional language to the charter.

Roy Lyons: My question to Mr. Watts' from the beginning is can't they already do that.

Rob Bradley: I think that Mr. Watts' point is, and I hadn't really contemplated until he just made it, was that the reason for this is that it is not redundant, in that there is a chance that someone can interpret the language that we are proposing regarding non-interference as somehow limiting their ability to investigate. Another words, we have to cure any problems that might be created by the strong language we are advocating for the non-interference clause which is a point that I had not thought about until it was brought up. Again, I accept that explanation, and I think that it is an excellent one.

Roy Lyons: Can't it be very simple and just authorize the commission to conduct investigations when needed?

Chairman Cummings: I like the draft. In your motion Ralph, it sounds like it gives Mr. Watts' some freedom to be able to draft the proper language in the clause. The clause accomplishes our goal, but it also provides checks and balances for the county officers if they aren't doing their jobs. We have the four sentences for the non-interference clause in the order that I read to you for the record; and the fifth sentence is the one that Ralph Puckhaber made a motion to. All of the sentences will be in one clause and will create the ballot question. At our next meeting Mr. Watt's will provide the clause and ballot question to the CRC for our final approval for the public hearings.

**Ralph Puckhaber made a motion directing Mr. Watts' prepare the proper language to the existing non-interference clause at his discretion to include the investigatory powers so it is clear that the BCC has those powers. Jim Gann seconded the motion, which carried 14-0.**

**Agenda item number five: Discussion of three single-member districts and two at-large districts for the BCC.**

Jim Gann: Why are we abandoning the five single-member districts and two at-large?

Rob Bradley: I don't want to bore everybody with the speech at our last meeting, I think that the reason that we have evolved to the three/two model rather than the five/two model is because when this process started we were advised that we could not have a three/two model. I think that at the beginning we knew that the three/two was an option on the table and if it was available to us we might have evolved in a different direction. So the answer to your question, why are we abandoning the five single member districts and two at-large? I didn't consider going down the road and abandoning it, I just consider it being a function of how our process has evolved; we just did not know we had the three/two available to us until very recently. My reasons for advocating the three/two are two-fold. One, I think that as a voter in Clay County and as a body that is supposed to represent the interest of the individual voters in Clay County, I support the idea of being able to vote for the majority of the commissioners. Now, I can only vote for one of the five. If this were the three/two model I could vote for the majority of the commissioners; the average voter will be able to vote for three of five commissioners. Two, is the idea that I think that the from what we have heard and discussed, the county would be best served by balancing the attributes of single-member districting with global, regional thinking that you get from at-large districting; getting the best of both worlds by having both involved in the election process.

Jim Gann: This also would kick out the elected chairman of the board?

Rob Bradley: No, I would support that as well. That is a different issue and we could discuss that one later. I would say that I would support the three/two concept whether we have an elected chairman or not, but I would also support an elected chairman. I think that the only way to figure out who would be the chairman of the board with the three/two scenario would be to make it a true at-large. Obviously, both at-large seats would be voted on by the entire county. They could come from any part of the county, but the individuals could come from any part of the county, that would be the only way you could do an elected chairman.

Ralph Puckhaber: I am willing to support this, to draft it and go to a public hearing with it, but not instead of the five and two combination. My preference would be to see both of those scenarios go to the public hearings for input from the public. Really, the only advantage of the three single-members and two at-large is the fact that we don't get two additional salaries to pay in this county. That seems to me to be the only advantage to this particular plan. I happen to think that the five and two offers everything that this plan would offer, and more, as long as we are not going to abandon it. I would like to take it to the public hearings and come out of them with one or the other. I do have a couple of issues and it does kind of bleed over into the five/two proposal. One of them is the fact that the single-member districts really haven't had a chance to run a whole cycle yet. There are still five single-member districts out there and people voted for

them. Perhaps we should leave five single-member districts, but I absolutely believe that we have to have two at-large commissioners as well. I don't think it is a big cost, but I think that some people will. I would support drafting this and going to the public hearings with it; but at the same time, we already have the five and two and I will vote to keep that one in there as well. I personally think from my discussions, that there is a lot of support to that.

Gordon Jespersen: I agree that the voters did vote for single-member districts and I wouldn't want to take that away from them. The only reason they voted for five single-member districts is because that was the only option they were presented with. In talking to several citizens about these issues, and intentionally talking to citizens who had a different view on the single member districts than I did, I came to two conclusions; one, several people said that they didn't want anymore egomaniac commissioners, so I don't want to add two more. The other, as long as we have single-members; they agree with having at-large commissioners to keep the global vision. The thing that appeals to me the most about the three and two, as opposed to the five and two, is that under the three and two you get to vote for the majority of the commissioners, where you don't with the five and two. That was appealing to many of the people that I have spoken to. I don't think that by adopting either one of these that we would be rejecting what the voters have chosen, because we would be leaving single-member districts in place. Either plan would just be giving a second benefit I think than the at-large. Having said that, I would support having both of them going to the public hearings, but my personal preference would be the three and two model because people are going to view two more commissioners as an expense and you get to vote for a majority of the commissioners.

Bill Garrison: I am glad to hear some people talking about the single-member districts just being voted in. I too have talked to people about this issue and my personal philosophy on this has been expressed. Sixty-five percent of the people voted in the last election for single-member districts and it has not had an opportunity to run its full course. I would like to be sure that we keep an open-mind about not adopting either of those. I am anxious to hear more public comments at the public hearings. Since our last meeting I have talked with several people and frankly, only one of the eight people was in favor of doing anything with it. We dropped term limits, which I was personally opposed to due to credibility issues. I try to be open-minded and what my personal philosophy and what the CRC is trying to do is not necessarily the same thing. I encourage everybody to keep an open-mind about not doing anything with it as we go forward. The five and two based on what I have heard will fall flat on its face primarily due to the fact that there would be more cost and two more commissioners. I am personally concerned about slicing up the county into three districts. I live in district four, the largest in the county and I can only image how large the district is going to become once you go to three instead of five single districts.

Una Cornelius: My concern is that our goal is to get something on the ballot that will get passed. At this time county commissioners have a bad name and nobody will like them no matter who they are, or will be. I think adding two; going from five to seven would really hurt us. If it did not pass and four years from now it comes back to the BCC and they want to try it again, I can hear some of the citizens in the county saying that they had voted on that; we told you we didn't want that and why are you trying to do it again. I think that we need to be very cautious and when we go to the public hearings really listen to what the citizens have to say. Maybe all of us

need to go out and ask our neighbors where they really stand regarding this issue. I have spoken with some and they don't realize that they can't vote. They know they have single-member districting, but are surprised that they can't vote. I am concerned that if we go with the five and two at-large that it will get voted down very strongly because they don't want two more county commissioners. Also, how large will those districts become?

Mary Cooperman: I have discussed our agenda with my friends and the overwhelming consensus was the three/two model of the commissioners. Most of them did not realize that they could vote for only one commissioner and did not like the single-member districting. The five/two model was no because of the expense; why spend the money. The three districts, never mind there are land issues where you go by population. With the three/two model; they like the fact that they can vote for more than one commissioner. Regarding the citizen initiatives; they did not like it and they wanted the seven percent in three districts.

Roy Lyons: I have spoken with several people on this issue and I have had nobody who was against the two at-large whether it was with the three or the five. When they discussed the five, the problem was the increase in the expense and was not sure if that was needed. The three/two is intriguing because the people will get their vote back on the majority of the BCC. This is a very important issue, you can only vote for one now. With the three/two you can vote for a majority of them and that is very important in a district like this in our county. The people deserve to vote for that. To leave it at the five single-member districts; we need a change in that; we need the two at-large. I like the three/two and I am not sure how that would be divided, but I do like the three/two because it is a compromise between the five and the two. You get to vote for the majority of your commissioners.

Karen Lake: The Keystone Heights area likes the three/two model.

Taunya Reese: In the Argyle area, citizens did not know that they could only vote for one of the commissioners. When they voted, they did not know that they would like to be able to vote for more than one commissioner.

Glenn Oliver: Most of the citizens I have spoken with like the way we have it now, five single-member districts. Some of them were surprised that they could only vote for one of the commissioners.

Rob Bradley: The five to seven is a non-starter based on the people that I have talked to. That will go down in flames because the idea of adding two commissioners; people just do not like it at all. The fact that there will be a cost involved and the commissioners already have a bad name for themselves. I am convinced at this point, that people did not understand what they were voting for in the last election for the five commissioners. It could have been the language on the ballot, etc. That is the central argument to go to the three/two model; it gives you the chance to vote for the majority of the commissioners if you go to that form of government. However; I take Mr. Garrison's comments very seriously and I will keep an open-mind going forward and listening to public comments.

Roy Lyons: The three/two keeps the single member districting; it's there in that form. It also brings in your two at-large and gives the people the right to vote for three of the commissioners. That is the key. Single-member districting is still there. It may take a different shape, but it is still there. The people will be able to vote for three of them.

Una Cornelius: I think that one of the things that people liked about the single-member districting was that the person had to campaign in their own district. I don't think that people realized that when it comes to voting that they would be able to vote for only one commissioner.

Roy Lyons: Being very familiar with campaigns; ads in the paper cost the same whether it is in one area or the other. Television advertising cost the same and the more signs you get the less expensive. There is no savings in the campaigning. When this issue was brought up we looked at the cost and found it simply was not cheaper. You don't have to walk, talk, or travel as far, but the cost for running a campaign is not a lot cheaper.

Bill Garrison: I suggest that the Chairman comment on the public hearing process and what we are taking to the public hearings, and what we are going to do after them. I am confused about that.

Chairman Cummings: We directed Mr. Watts' to draft several charter amendments that include the ballot question. He will bring them back to us at our next meeting and we will discuss and approve them with a majority vote if any of them will go to the public hearing stage. There will be three public hearings in which all of the approved charter amendments will be heard in a public format. When all three are completed we will convene and discuss each of them to determine which of them we will recommend to be placed on the November, 2006 ballot. Further, you have allowed me to represent this group as the Chairman and many times as the Chairman I have been invited to events representing our group and I have let them know of our progress. I have been very careful to speak on behalf of our group, but also on my personal opinion; but more than anything to state the facts and gather public comments. Even groups for what ever reason seem to support different issues, overwhelming. The five/two model has not been received very warmly and I think that it is mostly the timing of this issue. I am still in support of it going to the public hearing. Like many of you have said, the timing is not right for it. I don't think our success is going to be judged if something fails at the ballot necessarily, but it is our job to make the tough decisions to give the people a choice at the ballot on issues that should be brought to them. I think that that concept at this time is not receiving much support for many reasons. Obviously, if it receives the benefit we thought it would, it is a very ministerial amount of dollars compared to what you would get in return from a financial perspective.

**Rob Bradley made a motion for a charter amendment changing the composition of the Board of County Commissioners from five single-member districts to three single member districts and two at-large districts, to be in draft form for the next meeting for discussion. Gordon Jespersen seconded the motion, which carried 13-1, with Glen Oliver dissenting.**

Allen Watts: I will prepare the language for the CRC to consider presenting to the public.

## **8:00 Time Certain Public Comments**

### **Robert Mahala**

The five/two doesn't cut it. I think that is the easiest thing to do. I am against that and I don't think that will sell for all of the reasons that people have stated here today. The three/two: a comment was made that our goal is to get one of these passed and on to the ballot. Why? Everybody is asking the people that they are around what they like. The people have spoken, 65 percent of the people spoke for single-member districts. When you ask these people, ask them one question, did they vote in the last election? The way I look at it is that if you did not vote, you have no reason to complain. So, if you ask people who voted in the last election, you should come out with the same percentages that was there for the election, which means people wanted single-member districts. There was a comment someone made when you took term limits off for your consideration, "well people are smart enough to vote out their commissioners that are bad", but apparently they are not smart enough to vote on an amendment that says I only want to vote for the commissioner in my district. Apparently they are not smart enough to figure that one out. Somewhere along the line I think we have to decide whether people in this county are intelligent and educated enough to make decisions or not. This whole idea of commissioners is only beholden to their districts; that is kind of foolish. When you are elected for a district you are elected to run the entire county. You represent your district, but I think that all of the people understand that when they vote for their commission, they are for the good of the county and not for just the constituents in their district. They have to think about them, but sometimes what is not good for a particular district is good for the county. I believe you are short-changing commissioners when you say they don't think for the good of the county. The two at-large I think it is another end around the 65 percent of the people who said I want to vote for single-member districts. The chair was good enough to say that the commissioner who appointed him did not tell him to go towards this commission with any preconceived notions about the issues they wanted on the ballot. I would like to put out on a hand vote; which of you had a meeting with any of the commissioners, specifically the one who appointed you to this commission that included a discussion regarding specific issues that they wanted to see presented as amendments to the county charter. How many of you had a discussion with that commissioner, and they said this is what I want to see on the amendment, anybody? Anybody, nobody! That's great. So when we get down to the discussion of public hearing regarding setting up the ethics code draft, I guess we can do all of that with a good conscience. Thank you very much.

Jim Gann: Sir, we are not required to answer those questions.

Chairman Cummings: Clarifying your intention, are you insinuating that somebody just lied and said that they did not meet with a commissioner, is that what you're insinuating? I would be real careful there if you wouldn't mind.

Robert Mahala: I did not insinuate anything, I asked a question. Now I am being told that I can't ask that question?

Chairman Cummings: You can ask the question. I want it to be clear that I have not heard of anybody in this group doing that, so I am sure that everybody would have been truthful if they had met with a commissioner.

Una Cornelius: I don't understand what you mean by ethics, discussion number nine and how we are going to vote for that.

Robert Mahala: I think the whole idea is that ethics should be something in all of us to have an ethics code, to act in an ethical manner. We do that in my company too and I have always wondered about that. We should all act in an ethical manner.

Roy Lyons: The BCC has an ethics code.

Robert Mahala: I am sure that they do, every company has one as well. There shouldn't be a need for it.

Rob Bradley: What is your position on the ethics code?

Robert Mahala: I think we ought to act ethically, with or without a code.

Rob Bradley: You think it should be part of the charter.

Robert Mahala: I am not saying that at all.

Rob Bradley: You don't think it should be part of the charter, or you do?

Robert Mahala: I don't have an opinion on that.

Rob Bradley: That is what I am trying to figure out.

Una Cornelius: Agenda item number nine we will be discussing putting an ethics code in the charter. You are saying that you don't think we should have that in the charter?

Robert Mahala: I think that everybody that is on a commission and all of these people should be acting ethically anyway.

Rob Bradley: Everybody agrees with that.

**Ted Boyer:**

I agree with what Robert Mahala had to say about the single-member district memberships and the at-large memberships. The electors of this county has spoken that they want single-member districts. I think that you are wrong in thinking that these people will only be responsible for their own districts. If they are, why aren't they dancing that way now? When they are elected county-wide could they represent the districts? Some of you mentioned that they won't call their commissioner in their district. There is nothing that they can legally do for them. As you know, the county manager is the person you should call. You can call the commission and say please

talk to the county manger for me. If I was really interested in getting something agreed upon by the commissioners I would be calling all of them, not one of them; whether I lived in their district or they lived in mine. Another point, if you don't want single-member district membership, then go back to the way it was and see if it passes going backwards. If they want to elect their own commissioners, and then go back to the way it was. Do you think it would pass going back to the way it was? I don't think so. At-large memberships create members with perceived more power than the other commissioners because they were elected by the voters throughout the county, rather than their own district. I think that is not a good feeling to have on the memberships of the commissioners. I have spoken with at least four of the commissioners and they all favor of going back to the way it was.

**Agenda item number six: Discussion of five single-member districts with two at-large.**

Ralph Puckhaber: I would remind everybody that we already have a motion directing our attorney to prepare a ballot summary for this particular configuration of the commission. I would like to get this on to the public hearing stage. At our public hearings we have three options: We have the five/two which I still think is a viable option and it seems to be going down in flames. Frankly, the people that I have talked to about this immediately respond, "What do we need them for." When you sit down and talk to them about it, by the end of the conversation they say that you could be right. I agree that unless you can get to all of the voters and explain it carefully to them their gut reaction would be different. I would like to hear during our public comments what their opinions are. I would like to move that forward.

Chairman Cummings: We have a draft on increasing the county commission membership from five to seven. Mr. Watts' has reviewed the draft and at this point we have not approved it to be placed on the agenda for our public hearings. Is the current format acceptable to the group?

Ralph Puckhaber: The issue we had with the draft was that it was going to be hard to get the final draft language for it or, with the three/two option until we make a decision on whether or not we want an elected chairman. It all ties into this. I believe that this is the issue that you are talking about and why we have been holding it.

Roy Lyons: Would the permanent chairman be part of that or not?

Una Cornelius: Didn't we discuss the permanent chairman to be an at-large district?

Roy Lyons: Yes. Would it be part of the three/two or the five/two, or a separate issue totally?

Ralph Puckhaber: I would like to direct a question to Mr. Watts'. I don't see how they can be separate if you are going to identify a particular seat as a permanent chairman. I think you would have to identify that seat as such, rather than creating it, and then on another potential change, change it to a permanent chairman.

Allen Watts: It would take some careful drafting, but you can propose that one of the commissioners be the permanent chairman. You might propose it in the alternative that if the three/two or the five/two plan is not adopted, then what do you have left; you have an at-large chairman and four single-member. The easiest way to do it would be to say, if the amendment

passes three/two, or five/two, then you have a separate amendment to be considered. Shall one of the at-large be designated the county chairman and be elected in years divisible by four, then the other commissioner at-large be elected in years not divisible by four, so they would be staggered. That way, if you run into commissioner at-large you're never running against the chairman.

Ralph Puckhaber: The other part of that question was the language we discussed which we didn't use the same language with the three/two motion that the at-large would be resident districts. The question is do you want to add two at-large commissioners where they have to come from a residency district, and in a separate question ask, do you want to make one of the at-large commissioners the chairman. Now you have forced the chairman of the commission to live in a specific district.

Allen Watts: As I understand the motion that the commission passed it did not include the division of the two at-large members among residency districts.

Ralph Puckhaber: I believe the seven member proposal did.

Allen Watts: The seven member proposal does.

Ralph Puckhaber: I just want to make sure that we are clear on what we have done so far.

Rob Bradley made a motion to eliminate the five/two proposal. I don't know if it will have support.

Chairman Cummings: We are discussing the five/two model. If someone wants to make a motion to nix that; we have a draft here to take it to the public hearing stage if it gets support.

Jim Gann: Reviewing the model, the two at-large will come from separate districts, is that what we drafted before?

Ralph Puckhaber: That is the current model.

Rob Bradley: Either way, my motion is to remove the whole five/two model.

Rob Bradley: My motion is that we remove from consideration for the public hearings the five single-member and two at-large district model. Mary Cooperman seconded the motion.

Rob Bradley: Withdrew his motion to restate it as follows:

**Rob Bradley made a motion to withdraw from consideration any form of a five single-member and two at-large commission model proposal. Seconded by Mary Cooperman. Roll call vote as follows. Those supporting the motion: Brenda Rau, Tauyna Reese, Una Cornelius, Bill Garrison, Glenn Oliver, George Espada, Travis Cummings, Gordon Jespersion, Karen Lake, Rob Bradley, and Mary Cooperman. Dissenting: Roy Lyons, Ralph Puckhaber, and Jim Gann**

Chairman Cummings: My concern is much of what Mr. Garrison said about the way the districts will be formulated; their size, boundaries, etc. It may not be time to determine all of the details, but as this process has continued, personally, I have seen more support from citizens and from the group about the elected chairman than I have for the five/two model. As we look at the three/two model, clearly you have to have at-large members to have an elected chairman. We will have to discuss this in the future on how this would take place. Early on in our discussion Mr. Jespersion suggested a four/one model. I am just throwing this out there as we move forward to make our decisions and what we have discussed.

**Agenda item number eight: Discuss an elected Chairman of the Board.**

Mary Cooperman: We are just stating that there should be an elected chairman.

Chairman Cummings: Not really, we have not had a direction from the group.

Mary Cooperman: The elected five decides.

Roy Lyons: No, that goes into a parliamentary style of government. We elect our chairman of the board, or mayor in the parliamentary form. The elected officials elect their head. We should allow the people to elect the chairman of the board.

Ralph Puckhaber: I think what we have talked about is having a chairman who for a four year term instead of a one year term. I am trying to determine if you question is kind of the annual election like they do now, or to have the board elect a chairman for a four year period?

Mary Cooperman: The second portion.

Ralph Puckhaber: What the BCC does at this time is to elect the chairman once a year during their re-organization meeting, and then the chairman elects chairman and a vice-chairman of committees, etc. It is an annual event which I think is where the problem is. Mary is suggesting rather than having the voters determine who the chairman will be, let the BCC elect them, but for a four-year term instead of a one year term.

Gordon Jespersion: A four year term would not work since they are on staggered terms.

Mary Cooperman: If it was one of the newly elected, it would go for a two-year, then it would change until they got into the cycle. Everyone won't be elected for four years; the two at-large, right?

Allen Watts: If you want staggered terms, I would jump to an assumption that that would be the way I would draft it. You are correct. With the first elections with the at-large commissioners you would have to take into account how many vacancies there were. You would probably fill one of the seats in two years and the other seat in four years. The question on how you will elect the chairman; you could do it internally with the commission for a period of two years, or four years, or one year. One year works, two years works; the membership of the commission will not change for two years. However, if you have a commissioner who is elected chairman for a four year term and part of their constituency leads office after two of those years, he or she may no longer enjoy the support of the duly elected commission, and may not have a majority support of

his or her continuation. A four year term is probably not workable if the chair is to be elected by the commissioners. Every two years you have a new commissioner, just like every two years you have a congress at the federal year; and every two years they elect their speaker.

Mary Cooperman: I just wanted to avoid any contentiousness right away.

Allen Watts: You can also have a model where the chair is elected annually, but there is no limit to the number of successive terms that the chair can be elected. It would be depended on the strength and confidence that a chair may have. You can have a chair person be elected indefinitely, so long as he or she enjoys the confidence in the commissioners as they come and go.

Ralph Puckhaber: Why do we change chairs every year with our board? Is it tradition, or is it required?

Mary Cooperman: It is transferring all of the departments. This is how the commissioners learn about these departments.

Ralph Puckhaber: Referring to the eloquent comments made by Mr. Bradley a few weeks ago regarding this issue, I was against this idea until I heard what he had to say and thought about it. There is a certain continuity to be gained by having the same person, more or less, captain of the ship for four years, and I think the votes should choose that person. When you have to campaign that way, you have to campaign on here is what I plan to get done in the next four years.

Roy Lyons: I agree with that totally. Mr. Bradley said it better than I could, as well as Mr. Puckhaber. The chairman needs to be in charge and accountable to the people and it will make for a much smoother run for the ship. They would have to run for this position. It would be one of the two at-large members who would run for the chairman of the board. They would run separately; they would not run at the same time as the other at-large. The other at-large, not the chairman of the board, they would not run at the same time.

Una Cornelius: Mr. Watts', if a person was elected for the chairmanship and the group decided that he was really out of line and did not know what he was doing, could they impeach him?

Allen Watts: It depends on how the office was created. If you create the office to be elected by the people, then the people can recall him or her. His peers could not remove him or her. It would have to come from one of the seven grounds specified in the recall statute.

Chairman Cummings: I think that is the first thing that we need to discuss. Do we think that our legislative body needs an elected leader who would serve in this case four years, who would provide direction and vision running on that platform? If anyone would like to discuss this, let's do it and then move forward with a motion to draft a charter amendment recommendation. I assume that the three/two concept is supported and one of those would be at-large. It is still two separate issues.

George Espada: I think that the chair should be elected by the voters.

Gordon Jespersen: The people that I have spoken with have been very much in favor of an elected chair. No one that I have spoken to has given much thought as to how that would occur. Whether it's the three/two model or how the elected chair would happen, that is what we need to decide. I would propose that the three/two model that we have asked Mr. Watts' to draft; that we have him draft two; one that has one of the at-large members being elected chairman so we can review the language, and another one for two at-large

Ralph Puckhaber: I thought that I understood that these amendments if proposed could be structured in such a way that you could have the three/two and then as a separate amendment ask if one of the at-large based on the years, would be the chairman. It basically would be tiered; if the first one failed, the second one doesn't mean anything.

Allen Watts: You could do it that way.

Gordon Jespersen: Would you do it that way, or would you put both of them up there; one would be the three/two with an elected chair and one was just a three/two?

Ralph Puckhaber: I think you can only do a yes/no vote and what if they both came back yes?

Chairman Cummings: You mean send that to a public hearing. I don't think you mean for the public hearing, not for the ballot.

Allen Watts: You don't have to decide that in advance of the public hearings. You can take two models to the public hearings and decide if you want to propose one or, daisy-chain effectiveness after hearing from the public. The purpose of the public hearing is to take their temperature to see what they feel strongly about, or against.

Rob Bradley: Can you have as an option on the elected chair that it not be a daisy-chain? When I say that I mean that you would have your three/two model and then you have a question about whether the voters want an at-large elected mayor. The voters could conceivably reject the three/two and vote yes on an at-large elected mayor and you would have a four/one split.

Allen Watts: It is possible to do that, and then you have to deal with the question of what happens if both pass.

Rob Bradley: The one question to the voter regarding the elected chairman would read: Would you like to have an elected chairman who is elected at-large.

Allen Watts: I want to do a little research on it, but I think it is possible to take two contrary or inconsistent amendments and provide in the effective language that if they both are passed, the one receiving the greater number of votes shall be the one that becomes effective.

Rob Bradley: In my mind, I am saying that the three/two model does not talk about the elected chair. Another words, the three/two just refers to the three/two. Then two, you have the elected chair at-large, so if they both were yes, you would have three/two and one of the at-large would be the elected chair. If you had no/yes, the only thing that passed would be the elected chair

model. Then you would have that seat be an at-large seat and the three/two would be out the window and you would be in a four/one situation.

Allen Watts: The only real challenge is describing that in 75 words or less.

Rob Bradley: You are probably right; I am just trying to think outside of the box. With the mayor question have to deal with the two?

Allen Watts: Perhaps not.

Roy Lyons: We want to keep this as simple as we possibly can; this is getting out of hand. We got to have a three/two with an elected chair.

Allen Watts: I can prepare language both ways and then you could consider them.

Rob Bradley: We are going with a three/two, and then three/two with an elected chair as far as taking it to the public hearing.

Allen Watts: I can bring you language on three/two elected chair; three/two at-large with no elected chair; or, one for the elected chair. I can bring you language on any of those.

Roy Lyons: What we voted on was a three/ two with no elected chair. So let's see if we want an elected chair. That is the question and it is the only thing we are discussing now, and that is do we want an elected chair.

Chairman Cummings: It would be Mr. Watts' drafting language for a three/two and an elected chair.

Rob Bradley: The scenario that Mr. Watts' laid out was you have three/two, and then the question about the elected chair would read something to the effect of, if three/two is adopted would you like to have one of those at-large be an elected chair. It would read something to that affect, flowing from one to the other. My question is, do we have to say it at the beginning of that second question if the three/two is adopted would you like to have an elected chair. Do we have to have that qualification?

Allen Watts: If you are not going to put them all in one proposal then it is easier to say, if measure one passes, shall one of the at-large commissioners be a chair? That is the easiest way to present it. It could be presented in a more complex way.

Roy Lyons: We want to keep it simple.

Allen Watts: Simple, would be to put them all in one package; but that may not be your pleasure, or the pleasure of the people, because you may be lumping things together that some people will like and some will dislike. So if you want to divide the question, I can write language that will do that.

Ralph Puckhaber: My concern would be if you package them in a single question you now have two possible reasons for someone to vote. They may actually like the idea of the at-large, but not like the idea of the chairman; and now they vote no on the whole thing.

Allen Watts: That gets you in the whole discussion about when is it log-rolling.

Chairman Cummings: I personally support the elected chair and I continue to read information in the media and what people look to in periods of crisis on different issues, and whether it is on the executive side or the legislative side, they do look for a mayor. We got away from discussing the mayor. When I go to county workshops and hear the commissioners and the county manager, there seems to be some great disadvantages about a one-year appointed chairman. I think that could have been different if we had a strong leader in that role over our last several years. The at-large is something that you need to have. If I was extremely opposed to the at-large, not to say that I would not vote for the chair, but I think that it is something that continues to be intriguing to me personally. We have one charter amendment recommendation made for the three/two model without the elected chair, is that correct. From our discussion, we need to direct Mr. Watts' to draft language that would be separate, with a three/two model, or even a four/one model. This will take some effort on his part and I think that seeing some of this laid out will help us. Hopefully at our next meeting after we have seen the non-interference clause, and the others, that we would be ready to send them to the public hearing stage and moving forward.

Taunya Reese: Do we have to have that, why don't we just have the three/two, why is it necessary if it is tradition to have chairman. Why don't we just have the three/two? Is it necessary?

Ralph Puckhaber: You have to have somebody.

Chairman Cummings: I think it is necessary to have a chair. The question would be, does it need to be more than one year, stay the same, or does it have to be elected.

Ralph Puckhaber: You have to have a chairman, but I think lacking the idea of having them elected by the voters, the only other option that we would have to make a change would be if somehow instruct the commission that the chairman has to be a two-year term. For all of the points that Mr. Watts' mentioned, you can't make them any more than two years if the board elected them. If the voters elected them, you could put them in there for four years.

Gordon Jesperson: Inquired if it was possible to receive the drafts before the next meeting so they will have time to review them.

Taunya Reese: I want to reiterate that it needs to be really simple, because when it is not, it confuses people and you get a bad result. They don't want to read all of it, they just check something.

Chairman Cummings: Tauyna, you make a good point. There have been some citizens that I have discussed this with and they have been very objective and they have mentioned that while it may sound good to send some of our issues to a public hearing with two or three different

options; that we are not being very definitive and there is no strong stance one way or the other. It creates some issues.

**Gordon Jespersen made a motion directing Mr. Watts' draft as many options as he deems necessary based on our discussion that would include one of the at-large seats being the chairman; and prepare them for our next meeting for discussion and to vote which of them will go to the public hearing stage. Seconded by Roy Lyons, which carried 14-0.**

**Agenda item number nine: Discuss ethic code draft. (A. Watts)**

Allen Watts: I need some direction from the commission. The question of the ethics code has been on your agenda for discussion for quite some time. I wanted you to know what the Code of Ethics already is, as described by the legislature (passed out a hard copy of Part III, Code of Ethics for Public Officers and Employees, starting on page 960). It deals with several different situations. It deals with situations in which a public officer has a conflict of interest and should not vote because the interest of himself/herself, or a family member is at stake. It deals with the anti nepotism law in describing who may be employed by a public agency if they have a relative on the governing board. It deals with doing business with your own entity. It deals with nepotism. Those are essentially the basics in the Code of Ethics. There are all kinds of variations on that. I provided it to show you what a Code of Ethics looks like and the degree of detail in which it may go. This Code of Ethics already applies to the county officers and its employees. You may go beyond this; for example in Jacksonville's consolidated charter there is a provision that there shall be a Code of Ethics and all employees of the consolidated government will be subject to it, and that includes employees of the constitutional officers, and school district in its original form. Some of that has been changed and it has been 40 years since that consolidated charter has been adopted. The way that was structured, was that the charter simply prescribes that the council shall adopt a Code of Ethics which will apply to all officers and employees of the government. The adoption of the Code of Ethics is actually left to an ordinance, which the governing body considers and adopts. You can put some standards in there, similar to what the legislature has done in Chapter 112. You can say that the Code of Ethics shall address conflicts of interest, voting, or otherwise, etc.; all of the things that the statute addresses, but in just summary form. Or, if you prefer, you can spell out a complete Code of Ethics as part of the charter which can not be changed except by a vote of the people. That is the most untouchable, and there are good things and bad things about something that is untouchable. You can't amend it if you find some part of it unworkable; you can't amend it without a separate referendum of the people. There are advantages and disadvantages to spelling it out in the charter. I think that most bodies that have done this have said that there shall be a Code of Ethics to be adopted by the legislative body. If you want to go that way then the question is do you want to specify what it has to cover, or do you want to leave that to the drafting body. I am looking at this point for further instruction from the body here.

Gordon Jespersen: Since I originally put this on the agenda, my idea in proposing it was that the county commission would adopt a Code of Ethics and that the charter would simply state that they were required to do so. It would apply to the county commissioners, constitutional officers, and all employees of the county. In doing some research on it, part of the reason for that was because of the difficulty in changing it if it is unworkable and partly because I am not sure we are the appropriate body to determine what that ethics code would be; and also because of some

of the articles that I have read about it. The Ethics Code was actually more involved if the board were the one adopting it because the public was right there pressuring them to adopt an ethics code and it became tougher than what we would probably put in place. I did not want to be in a position of having to come up with an ethics code to put before the people to vote on. I would rather it be something that the BCC adopt yearly, or bi-annually, and it applied to them, their employees, and the constitutional officers.

Roy Lyons: The BCC already has an ethics code. It is a one-page document and Commissioner Rutledge tried to make some changes and he was voted down on it because they come under this also.

**Rob Bradley made a motion directing Mr. Watts' to prepare an amendment to the Clay County Home Rule Charter that the Clay County Board of Commissioners adopt an "Ethics Code" by ordinance. Gordon Jespersion seconded the motion, which carried 14-0.**

**Agenda item number ten: Discuss formation of committee to prepare CRC report.**

**Rob Bradley made a motion to accept CRC member Gordon Jespersion and himself (Rob Bradley) to form a sub-committee to prepare a CRC report to the Board of County Commissioners with their final recommendations, to be presented at the end of their session. Seconded by Una Cornelius, which carried 14-0.**

The work of this joint-committee will be advertised to be held in a public forum and minutes will be taken according to the Sunshine Law. All correspondence between the two will be routed through the Recording Clerk, Ann Mitchell.

**Agenda item number 11: Discuss constitutional officers.**

Mary Cooperman: I explained to my friends as I mentioned earlier, that the constitutional officers are not part of the charter, they are independent. They were shocked to hear that. I explained that they each functioned independently as far as purchasing, funding, etc. I asked them what they thought about bringing them into the charter. It could be a tremendous savings of money if purchasing was a one-time thing like computer purchasing; to bring all of the constitutional officers under the county. They could stay the same name, but some could be brought in like the sheriff as the Director of Public Safety/Sheriff. I think that would save a lot of money. Automobiles; there could be a pool instead of everybody buying their own. They do work independently. The Tax Collector has 52 employees, I don't know if he needs 52 employees. The Property Appraiser has 52 employees. Some of those jobs are the same; personnel are the same, purchasing is the same, and there is a purchasing department in the county. There is a lot of duplicate work and these people don't have to show up if they don't want to, there is no check at all. Our auditor can't audit them. These are our tax dollars and they could be managed better under one group.

Chairman Cummings: I think that tonight that we need to put this issue to rest. My initial opinion is that we set out on our journey, which is a marathon and not a sprint, that all of these issues that we are still discussing outside of the constitutional officers are something that we have really been discussing since the beginning. Whether there should be at-large members added to the current five members, the non-interference clause, an elected chair; and as you can see it is

March 20, 2006 and we have had a lot of discussion and a lot of input. My point is that we did not decide as a majority to continue to take up the constitutional officers or discuss any one or more of them falling under the charter. My personal opinion is that what we did earlier with the sub-section of the non-interference clause satisfies some of my concerns for the constitutional officers. I feel that where we are at this time and where we need to go, that this is something as a CRC that we could be addressing far more other issues than really any other has in the past. I don't know that from our time-frame that I am going to be prepared individually to vote on this issue and bringing any of them under the charter at this time. That is my personal opinion and I would like to decide as a group where we are going with this.

Jim Gann: Are you proposing that the constitutional officers no longer be elected?

Chairman Cummings: Ms. Cooperman, correct me if I am wrong; but I think that she is suggesting that they come under the charter and they could still be elected.

Jim Gann: You are talking about consolidating all of the common areas.

Chairman Cummings: This is not necessarily uncommon in the state for one or two of the officers to fall under the charter. Personally, I am uncomfortable with where we are at and being able to properly take care of this issue in this CRC session, and if it is something that the next CRC should review.

Ralph Puckhaber: Actually, I kind of like Mary's idea but I am concerned that we are in a time crunch. I want to ask a question of Mr. Watts' because I think of this in terms of the Volusia County model. How could that be put on the ballot? Is it possible to put something on there to just take all five of the constitutional officers in one swoop, or do you have to do them one at a time?

Allen Watts: You can do anything that you want to do. You could for example, pass an amendment that says, "the offices of the Sheriff, Supervisor of Elections, Property Appraiser, Tax Collector, and the Clerk of the Circuit Court are abolished and recreate them as charter offices of the same name, and with the same powers and responsibilities. That would bring them into the charter government with just that one change of saying that their constitutional office is abolished and the become charter officers. That is what the Volusia Charter did with three of those offices; the sheriff was converted to a Sheriff/Director of Public Safety with all of the same powers of a sheriff, except as a charter sheriff; he does not appeal his budget to the governor which a constitutional sheriff may do. The case of the Tax Collector; that office was abolished by Volusia County and consolidated with the Director of Finance and appointed the department head under the county manager. The Office of the Property Appraiser continued to be elected with essentially the same powers and duties that any Property Appraiser has. Those are largely state law functions, the State Department of Revenue Regulations. The budget of the Property Appraiser is approved by the State Department of Revenue. The Office of the Supervisor of Elections was abolished and recreated as a non-partisan office under the charter (radical for that time), but with the same statutory duties and responsibilities that a constitutional supervisor would have. The Office of the Clerk of the Court was left out of the charter, but the clerk's functions as the keeper of the records of the BCC and ex-officio were transferred into the county

charter government and away from the office of clerk. The clerk is still the recorder of deeds and has the judicial function, but that is all. That is how the Volusia model worked and it was really done with just an article that addressed those offices in the manner that I just described. There are other ways of doing it. Probably the mildest that I have ever drafted was in Brevard County where we left the officers in tact, but provided that for purposes of their non-partisan election and their amenability to recall, their offices were deemed abolished and recreated under the charter. Otherwise the charter did not touch them. That is the way that Brevard County continues to this day. That is the mildest way to bring them into the charter without infringing on their traditional independence.

Bill Garrison: In Brevard County they are not state constitutional officers anymore they are county officers.

Allen Watts: For purposes of recall and for purposes of non-partisan election they were declared to be charter officers. But in all other respects, they had the same rights and duties as constitutional officers, including their own budgets. The constitution says that in every county there shall be these five officers except where provided by the charter, they may be chosen in another manner that they could be appointed, or the office may be abolished when all of the duties are transferred to a charter office.

Mary Cooperman: They have their own budget, but what they do is redundant. Each one does the same thing, but they are separate. They present a budget to the commissioners who don't have a lot of latitude except to approve them. They do what they want.

Roy Lyons: I agree with you Mr. Chairman. They have their own budgets and they have to go through the county commission to be approved, they are accountable to the people when they do purchase vehicles or anything like that. The sheriff's department purchases their vehicles; SUV's are for someone else, the pickup trucks are for somebody else, it would not improve in that way at all. Any number of things; there is no reason at this time to bring them under the charter; they are already under stricter rules with the constitution, I believe. There is some discussion underway, as the county grows to have a purchasing department where many items will be purchased and stored in a warehouse and all of the officers will be involved in that. The purchasing goes with it, the whole package.

Chairman Cummings: One of my roles is to continue to stay focused. Is this an issue that the group would like to continue to discuss bringing one or more constitutional officers under our charter government? We need to call the vote on this issue, in all due respect Ms. Cooperman. With all of the other issues, there has minimal discussion and support on this and we continue to discuss it as a group. I would like to call a motion on whether we want to continue to discuss it. We may want to include this issue in our non-charter recommendation in our report for the future CRC to discuss.

Mary Cooperman: I feel that this group is not interested in doing anything about constitutional officers. I think that our second meeting I brought it up and it was voted down without any discussion at all. I have delayed it the last three meetings because we drag on about issues that should have been settled. I am waiting my turn. Now that it is my turn I feel that the general

atmosphere from the chair too, is not interested at all in doing a thing about constitutional officers.

Chairman Cummings: Mary, with all due respect, I am going by the silence of the group. We have kept this on the agenda. There have been other issues that have come up because of the lack of interest. This really should not be on our agenda, only one member is carrying it through.

Bill Garrison: I do think that the idea is worthy of further consideration; however, I, like you, am concerned about our timeline more than anything else. It is a very complex issue and it deserves further and more in-depth analysis than we have time for. I think we would be biting off more than we could chew, quite honestly.

Rob Bradley: I will make the quick point that we are dealing with the constitutional officers in the non-interference clause in bringing up the novel idea for our county that the BCC having the investigatory powers over those offices. I think that is a big step. Ms Cooperman, your continued discussions on the constitutional officer issue has not gone unnoticed on my part because that went into my consideration and support of that language. We aren't ignoring your pleas, it's just that is enough for this commission and I thank you for your comments.

Jim Gann: This issue should be included as a non-charter recommendation for the next CRC.

**Bill Garrison made a motion to remove the constitutional officers from their issue list for any further discussion; further, that this issue be included in the non-charter recommendation report that the next CRC place this on their agenda for discussion. Roy Lyons seconded the motion, which carried 13-0. Michael Q. Rogers and Mary Cooperman not in attendance.**

**Agenda item number 12: Discuss public hearing dates.**

Chairman Cummings: Summarizing our schedule, we have the non-interference clause, the draft of language regarding the BCC having investigatory rights, the three/two model without the chair, the three/two model with the chair; and possibly some other chair options, the ethics code draft and the citizen's initiative draft. We will have those drafts prepared for us at our next meeting.

**After a brief discussion, Bill Garrison made a motion that the public hearings be scheduled on May 4, 2006, May 15, 2006, and June 1, 2006. Roy Lyons seconded the motion, which carried 13-0.**

Rob Bradley: We will be sending the CRC members the dates of the sub-committee meetings. If any of the members could come to those meetings and give their input, it would be great. We could all meet at those meetings as long as they are advertised.

Chairman Cummings: Orange Park Town Hall would be a central location for the sub-committee meetings.

Chairman Cummings. Mr. Watts' will have all of the drafts discussed this evening completed by April 3, 2006 and will forward them to the CRC.

Chairman Cummings: All of the upcoming meetings will be scheduled in the BCC meeting room when available. When not available, meetings will be held in the Tax Collector's Meeting Room, first floor of the Administration Building, 7:00 p.m.

**Agenda item number 13 tabled to the next meeting of April 6, 2006.**

The next CRC meeting is scheduled for Thursday, April 6, 2006, Tax Collector's Meeting Room, 7:00 p.m.

**Other Discussion:**

Bill Garrison: I am sorry that Mr. Mahala has left; I would like to respond to his comments. I have not had a single conversation with my District Commissioner Glenn Lassiter about serving on this commission other than a phone call that I made to him to volunteer for the CRC and he told me to submit a written letter and resume. Since that date, I have not had a single conversation with Mr. Lassiter about anything to do with this Commission; nor, have I, or do I believe that anybody else on this commission represents anybody other than themselves. I am a proud person to be in the building industry, I am proud to be a home builder; I do not represent the builders or the developers. I represent Bill Garrison. I freely express my personal opinions and I have exhibited an open-mind.

Chairman Cummings: I am sure that everybody will agree that Mr. Garrison has strong personal opinions and it has been extremely refreshing in this process that his opinions have been changed and reshaped by not only public comments, but looking at the county as a whole, and that is very selfless. It is a shame to get individuals who try to undermine the credibility of a process. If you have been to our meetings and have observed our business, you are ignorant if you come away from them seeing that we have been influenced on anything.

Bill Garrison: I feel that I have practically bitten my tongue off at times. When it is at the end of the day, I am still a human being. Why a guy would run for office and sit up here and volunteer for that level of criticism is almost beyond me. Vice Chairman Michael Q. Rogers put an editorial in the Neighbor to Neighbor newspaper regarding the CRC's mission and progress. It was a very good editorial. Further, I think we should write a letter of appreciation to the County Attorney Mark Scruby for his service prior to being replaced by Mr. Watts' He was a great wealth of knowledge and he knows the history of the CRC's. It was the general consensus that a letter would be written to Mr. Scruby at the end of their session.

There being no further business the meeting adjourned at 9:55 p.m.

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**Chairman Travis Cummings**

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**Recording Secretary, Ann Mitchell**