

**MINUTES  
CLAY COUNTY  
CHARTER REVIEW COMMISSION  
June 19, 2006**

The Clay County Charter Review Commission (CRC) met on Monday, June 19, 2006, 7:00 p.m., for their Fourth Public Hearing at the Orange Park Town Hall, 2025 Park Avenue, Orange Park, Florida, 32073. Those in attendance are listed on the attached sign-in sheet.

Reverend Bob Standifer led the innovation.

Una Cornelius led the Pledge of Allegiance.

**Una Cornelius made a motion to approve the June 1, 2006 minutes. Roy Lyons seconded the motion, which carried 14-0. George Espada was not present at this time.**

Chairman Cummings introduced special guest, Larry Arrington who is from Volusia County and will be speaking later in the evening.

Chairman Cummings: There are a total of five (5) proposals; Allen Watt's will brief the public on each of the five (5) proposals before each public hearing is opened. Citizens will have five (5) minutes to comment only on the proposal open on the floor at that time.

**Allen Watts: Proposal 1 is entitled, "Non-interference by Board of County Commissioners with employees under the county manager, county attorney, or county auditor.**

**The Ballot Question is: "Shall the existing provisions of the Clay County Charter restricting County Commissioners from directing or interfering with the employees of the manager and attorney, be amended to include employees of the auditor, to remove certain exceptions, to provide that such interference is malfeasance, to recognize the right of commissioners to report citizen concerns or to seek information, and the right of the Board to conduct official investigations of any county department or office?"**

Allen Watts: This proposal would add to the existing non-interference clause which restricts County Commissioners from directly directing or controlling county employees in carrying out their tasks or jobs. That's the job of the county manager. In the case of two other officers; you have officers who are selected directly by the Board of County Commissioners who are the County Attorney and the County Auditor. Their employees would also be insulated from any direct orders coming from a member of the Board of County Commissioners. In order to put some teeth into that provision to keep County Commissioners from meddling in day-to-day management it provides that such interference is malfeasance in office. Malfeasance is one of the grounds upon which a commissioner can be recalled from office by petition (an election), or can be suspended from office by the Governor and removed by the Senate. The amendment is careful to preserve two things and to point out that these are not considered malfeasance or not considered interference with the manager in directing his employees. There is a language that

gives the right of the Commission to report citizens concerns or to ask questions and seek information and there is a language of the Board acting as a collective body to conduct official investigations of any county department or office. With those two exceptions, the non-interference clause is being strengthened to protect the manager from meddling with the day-to-day operations of the county government. I would be glad to respond to any questions Mr. Chairman.

#### PROPOSAL 1

#### NON-INTERFERENCE BY BOARD OF COUNTY COMMISSIONERS WITH EMPLOYEES UNDER COUNTY MANAGER, ATTORNEY OR AUDITOR

Ballot Question:

SHALL THE EXISTING PROVISIONS OF THE CLAY COUNTY CHARTER, RESTRICTING COUNTY COMMISSIONERS FROM DIRECTING OR INTERFERING WITH THE EMPLOYEES OF THE MANAGER AND ATTORNEY, BE AMENDED TO INCLUDE EMPLOYEES OF THE AUDITOR, TO REMOVE CERTAIN EXCEPTIONS, TO PROVIDE THAT SUCH INTERFERENCE IS MALFEASANCE, TO RECOGNIZE THE RIGHT OF COMMISSIONERS TO REPORT CITIZEN CONCERNS OR TO SEEK INFORMATION, AND THE RIGHT OF THE BOARD TO CONDUCT OFFICIAL INVESTIGATIONS OF ANY COUNTY DEPARTMENT OR OFFICE?

AMENDMENT \_\_\_\_.

Section 1. Subsection 2.2.I. of the Clay County Charter is amended to provide as follows: 2.2.I. *Non-interference.* County Commissioners shall not give directions to or interfere with any employee, officer or agent under the direct or indirect supervision of the County Manager, the County Attorney or the Commission Auditor. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution. County Commissioners may communicate with employees, officers or agents under the direct or indirect supervision of the County Manager, the County Attorney or the County Auditor for the purpose of inquiry or information. Nothing in this provision shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager, the County Attorney or the Commission Auditor. 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.

**Section 2.** If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

**Section 3.** This amendment shall become effective on January 1, 2007.

**Chairman Cummings opened the public hearing for Proposal 1; discussion of the modification of the existing non-interference clause.**

**Public Comments:**

**Barbara Davidson**

2710 Holly Point Road  
Orange Park

We have been through this malfeasance; I went through the recall in Orange Park and removed three people; however, is there no way it can be provided for an action that is malfeasance other than by recall? Is there nothing else a citizen can do through the Commission itself?

Allen Watts: No, the recall statute provides that the members of the governing body of a charter county may be removed for any one of six grounds that is specified in the statute. The opinion of the Division of Elections are that no other ground but those six may be used and the recall statute has to be followed. There is a power of the Governor under Article IV of the State Constitution where the Governor may suspend any county officer for one of those six grounds, subject to trial before the Senate or a Magistrate appointed by the Senate.

**Barbara Davidson:** Under Charter government is there any way our County Commission could remove a member for malfeasance; it would have to come through the recall?

Allen Watts: Yes, only the Governor and the people may remove a Commissioner.

**There being no further comments from the public on Proposal 1, this portion of the public hearing was closed.**

Chairman Cummings: I spoke with County Manager Fritz Behring and he mentioned that there was concern that if a Commissioner asked one of his assistants to do work for them if they would be violating the non-interference clause of the Charter. He wanted to be sure that this proposal allows for that to be done.

Allen Watts: It is my opinion that if the job descriptions are for the administrative support of a county commissioner, taking direction from that county commissioner would not be a violation of this section. The only responsibility you have of that staff support member lies to that county manager.

**Rob Bradley made a motion directing the Clay County Board of Commissioners to place Proposal 1 on the ballot for consideration by the voters, “Non-Interference by Board of County Commissioners with employees under the County Manager, County Attorney, or Auditor.” Gordon Jespersion seconded the motion, which carried 14-0. George Espada was not present at this time.**

**The public hearing opened for discussion of Proposal 2, “Code of Ethics” to be enacted for all elected and appointed county officers, and their employees.**

**Allen Watts: Mr. Chairman, Proposal 2 is entitled, “Code of Ethics for County Officers and employees.”**

**The Ballot Question is, “Shall the charter of Clay County be revised to require the Board of County Commissioners to enact a code of ethics supplementing existing codes, for all elected and appointed county officers, including the superintendent of schools and members of the school board, and their employees?”**

This provision would require that by July 1, 2007, the Board of County Commissioners would adopt an ordinance prescribing standards of conduct for members of the Board of County Commissioners, the County Manager, the County Attorney, the Commission Auditor, and all other elected or appointed county officers including the Superintendent of Schools and members of the School Board, and the deputy’s and employees of such officers. It would provide that the code is supplemental to and may not contradict or supersede any statutory or administrative standards to conducts that apply elsewhere to those employees. The code may include (these are just illustrative) its not limited to provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The code shall not conflict with the power of the Governor to suspend county officers, or the Senate to remove them from office, or the power of the people to recall them from office. This becomes effective on approval by the electors if it is forwarded to the voters for their consideration.

## PROPOSAL 2

### CODE OF ETHICS FOR COUNTY OFFICERS AND EMPLOYEES

Ballot Question:

**SHALL THE CHARTER OF CLAY COUNTY BE REVISED TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO ENACT A CODE OF ETHICS SUPPLEMENTING EXISTING CODES, FOR ALL ELECTED AND APPOINTED COUNTY OFFICERS, INCLUDING THE SUPERINTENDENT OF SCHOOLS AND MEMBERS OF THE SCHOOL BOARD, AND THEIR EMPLOYEES?**

AMENDMENT .

Section 1. Section 2.2 of the Clay County Charter is amended to create a new Paragraph E, as follows:

*E. Code of Ethics.*

Before July 1, 2007, the Board of County Commissioners shall enact by ordinance a Code of Ethics. The Code of Ethics shall prescribe standards of conduct for members of the Board, the County Manager, the County Attorney, the County Auditor, all other elected or appointed County Officers including the Superintendent of Schools and members of the School Board, and the deputies and employees of all such officers. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics may include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

Section 2. This amendment shall be effective upon approval by the electors of Clay County. If it is so approved, existing Paragraph E and the paragraphs which follow it in Section 2.2 of the Charter shall be re-lettered F, etc.

Section 3. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

There being no comments from the public on Proposal 2, this portion of the public hearing was closed.

Rob Bradley made a motion to direct the Clay County Board of Commissioners to place Proposal 2 on the ballot for consideration by the voters, “Shall the Charter of Clay County be revised to require the Board of County Commissioners to enact a Code of Ethics supplementing existing codes, for all elected and appointed county officers, including the superintendent of schools and members of the school board, and their employees?” Gordon Jespersen seconded the motion, which carried 14-0. George Espada not present at this time.

The public hearing opened for discussion of Proposal 3A, “Shall the provisions of the Clay County Home Rule Charter for proposing charter amendments by initiative be amended to change the required number of signatures from ten percent (10% of the electors who cast ballots in the last general election to seven percent (7%) of the electors qualified to vote in the last general election?” (This has no district requirements) and;

The public hearing opened for discussion of Proposal 3B, “Shall the provisions of the Clay County Home Rule Charter for proposing charter amendments by initiative be amended to change the required number of signatures from ten percent (10%) of the electors who cast ballots in the last general election to seven percent (7%) of the electors qualified to vote countywide, including four percent (4%) of the number of electors qualified to vote in each commission district, in the last general election?”

Allen Watts: For those of you who attended an earlier public hearing, you will remember that this was denominated for Proposal 4A and 4B and what happened was that those Proposals were originally numbered 3A and 3B were taken out of consideration at the last public hearing. That’s the reason for those of you who thought there was a discrepancy in the numbering. Proposal 4A now moved up to Proposal 3A provides as the Chairman stated an amendment to the petition requirement for citizen’s proposed amendments to the County Charter.

**The “Ballot Question” is: “Shall the provisions of the Clay County Home Rule Charter for proposing charter amendments by initiative be amended to change the required number of signatures from ten percent (10%) of the electors who cast ballots in the last general election to seven percent (7%) of the electors qualified to vote in the last general election? That is proposal 3A.**

Hopefully, the question is self explanatory and members of the Commission may be ready to speak to what this means in terms of the real number of signatures that have to be assembled by the petitioners. I believe that answer is not much, but it’s intended to take out some of the peaks and valleys that otherwise occurred in the number of petitions required if you based it on a percentage who actually voted in the last general election. The last general election might, or might not have been a presidential election. Generally speaking, more people turn out in presidential election years than in non presidential years, so its ten percent (10%) of a larger number if you bring forward a petition within two years after a presidential election that number may fall, than if you bring forward a petition for an amendment within two years after a non-

presidential election. The intent of this amendment is to more or less stabilize the number of signatures required, not to change it in any radical degree, but to use a different index. The index would be seven percent (7%) of the electors qualified to vote in the last election whether or not they voted. That would take out some of the peaks and valleys.

The difference between this proposal and the proposal the last time we met 4B now 3B; is that in 3B the requirement is not only to have seven percent (7%) of the electors qualified to vote countywide, but there must be a sufficient number from each commission district, not less than four percent (4%) of the number of electors qualified to vote in each of the five commission districts. I would be glad to respond to any questions.

### **COMMENTS FROM THE PUBLIC FOR PROPOSALS 3A OR 3B:**

#### **Linda Crawford**

Oakleaf Plantation

Vice Chair for Clay Action Network, Grassroots Citizens Organization

I am concerned about changing this way of figuring out how many signatures are needed on these petitions. The reason that I am concerned is that it is true that there are peaks and valleys, but I would tend to think that nowadays it is very rare that an initiative will be placed, that people will tend to collect petitions for initiatives after a presidential election. We had an initiative that was overwhelmingly passed in 2004 to have single member district representation for our commissioners. I don't believe that they would have tried that if it had been after a presidential election because it is just too hard for citizens to get together and they don't have any resources for the petitions. I think that it would make it seven percent of the actual voters with the county's population exploding as it is that would effectively cut off the ability of citizen's groups with these petitions. Now, groups that have a lot of resources; not citizen's groups, but business groups, or whatever that have specific concerns might have the resources to do that. But I am afraid that it will be pretty well impossible for citizen's groups to do that any more. Right now, I don't think that they can do it after presidential elections if this amendment is passed. I don't think they will even be able to do it after non-presidential elections; the bar will be just too high. In 2002 there were approximately 84,000 registered voters. In 2006 there were 106,500 registered voters; that is a very, very high, a lot for citizens to get seven percent in 180 days, and I am afraid that citizen's initiatives will become a thing of the past. If that is the intention, and I can't believe it is your intention. I believe that is what will happen.

#### **Robert Rinker**

Lakeview Drive

Orange Park

I tend to agree with what she just said and this has a potential of limiting citizen participation in the Charter amendment process. The whole goal here is to allow citizens an opportunity to participate in the modification of the Charter as they see fit, at the same time screening out what I call frivolous amendments. Another words, show that there is enough support in the County for your proposal by the petition process and then let the voter's decide. We are simply talking about putting something on the ballot, not a defacto change in the charter as it were and raising the bar kind of tends to defeat that process. There is always the concern of the pregnant pig syndrome in the charter amendment. I would suggest, although it is too late for this process, that perhaps the

next time we might look at rather than simply allowing citizens to modify the Charter as our only option but to allow citizen's initiatives with an ordinance that then could be undone fairly easy if it turned out to be a really bad idea. For this one, the real thing to focus on is to be sure that we don't unnecessarily limit the ability of the citizen's to put a proposal on the ballot. That is what we are talking about.

**Barbara Davidson**

2710 Holly Point West  
Orange Park

I have to speak in defense of the Charter as it now stands. The ten percent (10%) of the electors who cast votes in the last general election; when this charter was developed as I remember it, there were two things that we considered, the main one being an effort to increase citizen participation in the government. We felt then, as I feel tonight, that the people who vote, whether it be a general election or a presidential election, or whatever; the electors who vote are expressing their interest in the government of Clay County. So, in order to affect an initiative to amend something that affects Clay County, why should we make it seven taking everyone that is a registered voter, even though they haven't exercised, or exhibited their interest in the County government? It is a matter of apathy, and the ten percent I still think is the best way to go.

**Katia Palmer**

The big concern that I have here that was mentioned before is the sky-rocketing population here in Clay County. These two initiatives will require that they will need more signatures in the future on a ballot. Citizen's initiatives have in the past, but now, this will make it more difficult for voters to intervene when they feel that their government is failing them. With Clay County government in such a mess right now, what do you think the voter's response is going to be when you ask them to block their own access to the ballot? I feel that these proposals are somewhat disrespectful to the voting public and this county government has burned a lot of bridges with the voters. We need to be rebuilding voter trust, not throwing gasoline on the fire. Please don't recommend either one of these proposals.

**Wendell Davis**

This is not one that I intended to speak to but I just heard three people say that they wanted to let the citizen's vote, and that is what you are doing. You are a diversified group from all over the county, citizens from every walk of life. You are saying, folks, what would you like to do; you tell us. You put it on the ballot and folks will decide. If they don't like this as these folks have just commented, they will vote it down and it won't pass. If the citizens like it, they will pass it. I can share with you that there will be other measures on the ballot relevant to the constitutional amendment in that both the citizen's group and the state legislature are putting similar requirements. Folks, the citizens are going to get an opportunity to vote yea or nay on this type of situation. One of the negative sides is folks have paid petitioners to gather votes; folks with money run the intent of innocent citizens who are trying to participate in the process in many cases. I say put it on the ballot; I believe in the American form of government. This is not North Korea and so you put it on the ballot and if the citizens don't like it, they vote no. If they like it they vote yes. We need to trust our citizens; they are not as dumb as some would make them out to be.

**Bob Standifer**

Orange Park

We have tossed out the ten percent and seven percent, what is the number of ten percent based on the voters, and the seven percent based on the registered voters? What kind of numbers are we talking about?

Ralph Puckhaber: When we looked at the numbers they were virtually the same in the few years it would have taken 100. The current language would have required a hundred less signatures less. Actually, this year because there was such a high turnout at the last presidential election, this proposal would actually require over 700 signatures less, currently. Really, a rule of thumb to look at it honestly, and we have had a pretty good turnout lately; if you say seven percent (7%) of the registered voters that is essentially equivalent to a 70 percent turnout. So if your turnout is less than 70 percent its going to be lower than that number, and if your turnout is higher, you are going to be higher. In this county, the last presidential election we were at 77 or 78 percent since the number is higher than that ten percent. So you can look at it that way; kind of using that 70 percent benchmark as to whether the actual number of signatures will be lower or not.

**Bob Standifer:** It seems to me that what you are doing on this proposal is to draw the base of participation. If a person did not vote in a previous year, but at the same time they had the privilege or the opportunity to sign a petition, or to at least register their intent of what they are interested in, they would be more apt to vote in a forthcoming election. I am encouraged by what you are doing.

**Linda Crawford:** I would like to know how many times the citizens; the grass roots groups, have tried to put petitions on after a presidential election year. This is what I am concerned about; I sort of feel like we might be comparing apples and oranges. If we take an average of presidential election years where there is big participation, and non presidential election year's where there is a much smaller participation, right now I believe initiatives are rarely put on the ballot after presidential election years. So, if we take an average of those two years it does become a higher bar for citizens if we are taking an average of ten percent (10%) of the average. I don't think that people are going to if the County is exploding in population. People are not going to put an initiative on the ballot after presidential elections because it will be impossible to get ten percent (10%) of the votes. They will have a much lower bar to meet if they wait two years after a non presidential election. The other point that I wanted to make is that people should be able to vote on things; however, I don't think that is an argument for putting any suggestions out so people can vote on it. I think that thoughtful suggestions that will allow citizens to participate more are good ideas.

**Colin Groff**

425 River Birch Lane

Green Cove Springs

You talked about the numbers; the numbers you just used were from the presidential election, what about 2002? Did you look at the numbers there? It seems to me if the percentage of voters stays fairly consistent, then growth and percentage will stay as consistent as the county grows. No matter how big it grows it is going to stay the same percentage. I would be in favor of allowing a more stable way of counting votes than by those who voted also, I believe it opens up

more opportunities. Somebody said that nobody puts a petition on after presidential election; why should we be restricted in doing that. If I want to do a petition I should be able to do it when necessary. I recommend forwarding this to the county for votes.

**Jack Myers**

2099 East Winterbourne

Orange Park

I was thinking about this discussion and it seems to me like it gives the opportunity if you do adopt this to not have to wait every four years to pass a citizen initiative for the lowest vote year, because after a presidential election year having a lower bar as I understand it, should get that done. So, you don't have to wait every other time to try to hit the right amount. There is a lot of talk about single member districts and how important it is; well, then I think that if we follow that rule then we should go with the B portion of this and make sure that there is representation from each of the individual districts.

**There being no further comments from the public on Proposals 3A or 3B, this portion of the public hearing was closed.**

Chairman Cummings: Thank you for that feedback. It was more than we have had to this point and the support and opposing views were articulated in a great way. We thank everybody for taking the time and it is very helpful to us as a group.

**Discussion of the CRC regarding Proposals 3A and 3B.**

Bill Garrison: Ms. Crawford seemed to be making the case for achieving stability for the number that you multiply by. I don't think it was your intention, but you make a point that after presidential elections we have a lot more people participating. Non-presidential elections have fewer voters participating thereby giving a citizen's initiative group, an advantage that year or an impediment following a presidential election. Our goal was to find a steady line that you multiply by. The number of qualified voters remains relatively constant, whereas the number voters vary per whose running, presidential or non-presidential. Statistically, we have worn that out. We have done the averages and seven percent (7%) is a fair number, so I am still in favor of this.

Roy Lyons: When you send out a petition for signatures the petition is based on qualified voters, not on those that voted. So to have a consistency, if we use the seven percent (7%) which does not raise the number required, but all of those that are eligible to vote signed a petition, then it all should be based on the qualified voters instead of just those that vote. When you get the petitions signed it is limited to just those that vote.

**Linda Crawford:**

Speaking away from the microphone, I could not understand what she was saying; therefore, I did not transcribe her comments.

Ralph Puckhaber: As everybody here knows, I brought up this issue initially. I have done research and gathered the numbers, and I have listened with a lot of interest about this proposal

from citizens at all four of our public hearings; as well as discussing it with people in the community. If you sit down and take the time to clearly explain it, a lot of people think that it is really not a bad idea. My problem has been that people are emotional on this topic; they are not logical, and simply look at this immediately as an attempt to make it more difficult for citizens by initiative to put something on the ballot. I want to address a couple of things; a citizen made a point tonight that there is an up and down cycling which is what we have attempted to address, and someone mentioned that we should be able to do ordinances by petition. If you look in the Charter that power is already there. Any citizen's group can put an ordinance in by petition. I disagree with the point about only people who vote should be considered in this process because the base of people from which you can gather signatures includes people who didn't vote. Either you have people who didn't vote, or you only allowed signatures from people who vote. I think there are a lot of inconsistencies with the current language; however, after all of this discussion and some of the comments I have heard, I personally will not support this issue going to the ballot. I think that the perception outweighs the logic and the reality of what we are trying to do. I would hope that if this does not go to the ballot that the next CRC addresses this subject again and perhaps look at it with a little different view. Eventually, it is going to be an issue that has to be addressed. Someone mentioned single member districts. You want to talk about fluctuating in voting from year to year; with no at large and only a single member district, you are really going to start to see fluctuations depending on how many districts are up for election in any given year. You are going to have three of the districts and the president one time, and then two of the districts and the Governor, if anybody cares the next time, so it is really going to magnify itself. With all of that said, I just can't in good conscience send this to ballot. I just think that the perceptions outweigh the reality.

Bill Gann: I am concerned about the four percent (4%) more than the seven percent (7%). I think the citizens will think that the four percent (4%) is too much although our intent was to ensure that the initiatives were in all of the districts rather than gathering them in one location in Orange Park. Maybe four percent (4%) is too much; maybe three percent (3%) is better.

Gordon Jesperson: Under the current language you can only get signatures from people who voted in the last election. You're preventing people who moved into the county and didn't vote in the last election from participating in that. Secondly, even if you didn't vote in the last election you still have to live under what is passed, so it affects you whether you voted or not. Regarding the four percent (4%), I don't think it was our intent to make it any more difficult for people to gather initiatives but to just ensure that every part of the County got to participate whether or not something went on the ballot. If you're from Keystone Heights or Middleburg, you may not have even known about the issues that end up on the ballot if they don't have to go out there to gather signatures. So I think that our intent was not to make it more difficult than it is now, it was as Ralph pointed out, to try and even it out.

Karen Lake: Initially, I supported Ralph. He placed this on our issue list and because I value consistency and stability as well, and I thought that if we could do it fairly and equally, then let's get that done; however, the turnout and the comments from the public has led me to believe what Ralph has, that there is a perception issue from the public towards our amendment in this case and I don't want to falter something that's not being perceived accurately. It is not fair to some in their minds, and it's not fair to us in our minds because we are trying to fight the good fight. I

also support Ralph's position that in good conscience I couldn't move this to ballot because I think there is too much confusion from the public and I think it muddies the water for us on our other measures.

**Barbara Davidson:** It was never the intent that required the number of signatures from ten percent (10%) of the electors who cast ballots in the last election. There is a misconception that you are talking about only those persons who voted in the last election; we are talking about the number of people who voted in the last election. You're figuring a ten percent (10%) of the number of people who voted, not me or you, just overall. So you're not denying anyone the right to vote on this amendment because they didn't vote in the last election. That bothers me, they were thinking that someone would be denied a vote if they hadn't voted in the last election. If it is going to take ten percent (10%) of this, I am not familiar with what the state law is for recall at this time. Is it going to take a greater percentage, and is it based on the registered percentage or those who voted?

Allen Watts: It is a percentage of the registered voters. If the officer was elected at large, it's the number of registered voters in the whole community. If that member was elected from a district, it's the number of registered voters from that district. When you write a provision in the Charter like this it is necessary that there be two things, some percentage of some number. It doesn't really matter to me what the percentage is or what the number is, but there has to be a percentage and a number. The existing percent is ten percent (10%) of a number that is the number who voted in the last election. The proposal is to make it seven percent (7%) and also to change the index.

**Barbara Davidson** I understand. My concern from a citizen's standpoint petition wise be it recall or be it initiative; if we are dealing with the same base, and since you're telling me that recall is based on the number of registered voters, then I would certainly be in favor of this being based on the number of registered voters rather than the way it is now regardless of the percentage. From the citizen's standpoint, consistency is the main thing and why should it take so much to get a recall and not so much to get an amendment. So let's be consistent and base it all on the same base.

**Jerry Agresti**

6833 Old Church Road

Green Cove Springs

Everybody is really on the same sheet of music. They are just saying it in different ways. I think that Ms. Crawford is interested in making it easier for a citizen's initiative, but I think I heard you say that you don't want to make so easy that it becomes a nuisance. If the numbers stay the same there are three ways to change the Charter in this County. One is the County Commission can recommend it every four years that this group meets, and the purpose of that was to study and have a more educated group making the decisions for what goes in our Charter. Third, is a citizen's initiative where some of that element drops off because I have seen people sign petitions and seen people gather signatures at the fair; and trust me, what they say and what is actually in that initiative are sometimes two different things. I agree that it should be feasible to do a citizen's initiative but it shouldn't be so easy that we get pregnant pigs; small groups in the County trying to sway what goes in the Charter. The Charter is an important document; it was

meant to be, and shouldn't be easily changed without study. I think that Ralph had some very interesting numbers and I'm relying on you to not only determine what the right thing to do is; but the courage to go ahead and do it. I would say on this amendment determine what you think is the right thing to do and then have the courage to do it. It is going to be up to Ann Williamson and the rest of us to sell it to the voters. You are not the final say on it; it was designed to be that way. You do what you think is right, put it on the ballot. Wendell said that the people of this town are not that stupid, they will get it. If they like it they will pass it, if they don't they won't. If it is the wrong thing on the ballot to start with then we are all kind of doomed.

Jim Gann: It is up to us to educate the people of what we are trying to do.

Bill Garrison: Of the 19 charter counties, Clay County and one other county are the only two that base their number of signatures on the last election. All of the other 17 are based on registered voters. I think that we are headed in the right direction.

Roy Lyons: The idea of this is to bring stability without unfairness to the people that want to bring an initiative in and the numbers are virtually unchanged. We need a stable thing and the problem right now is that it is unstable. This will fix that and I respect Ralph's position, but I believe that we should put this on the ballot and see what the people have to say. I believe they will come through with stability.

Bill Garrison: Nobody has talked about B; I am definitely in favor of 3B. I don't have a problem reducing it to something more palatable, but the idea that you have to go to Keystone to get one percent or two percent of the electors' signatures I think is a worthwhile endeavor. We are a county now that is represented by single member districts and I think that any initiative process should also be representative of the single member districts. I am in favor of 3B.

Michael Q. Rogers: I think we have done a great job at talking about rectifying the problem with these solutions, but unfortunately I don't think that we have done a good job at understanding the possible impact of those solutions; so therefore I will not support this.

Chairman Cummings: When we started this process and took up this issue for discussion and study, there were some rather direct criticisms interpreted and still may be perceived as being an attack on the citizen's initiative process. All of those who spoke tonight did not speak in that tone and I really appreciate that because we have been at this for nine months and I hope that everybody understands what we have been doing. Those who have been to our meetings and have read our minutes know that has not been our intent. I do appreciate that.

Rob Bradley: I don't think that we necessarily have to go with 3A or 3B. I would just like to hear what the motion is. I don't think that it is a requirement. It's not a legal requirement that we have a vote on 3A and then on 3B. I would just like to hear the motion and have it opened to Proposal 3A or Proposal 3B.

Allen Watts: I think that the group may move either proposal, or both proposals; one main motion at a time.

**Bill Garrison made a motion that Proposal 3B be placed on the ballot at the November election which requires four percent (4%) from each district; amending that percentage to two percent (2%) to make it more palatable, allowing some participation from each district. Roy Lyons seconded the motion.**

**Discussion relative to the motion as follows:**

Rob Bradley: I just want to make sure before we vote we are talking about Proposal 3B; taking the language, including four percent of the number electors qualified to vote in each commission district in the last general election and making that two percent.

Bill Garrison: It is still an overall seven percent (7%) from the number of qualified electors.

Roy Lyons: Again, we have single member districts in this County and we want participation from all of these districts because if we are going to change this charter we want to make sure that all of the citizens are informed and included in this process. It is a fair process and moving the number to two percent is fine; we want the entire county included in this process not just one area.

Chairman Cummings: Ms. Palmer brought this up and I think it is real. As you look across our country the wave of interest and the popularity of the citizen's initiative process referendum are probably at an all-time high. As Mr. Agresti said, the process that we have undergone for the past nine months has not been single agenda driven. Sometimes citizen's initiatives can be one item; emotional, reactionary, there is a need for it. Not every Charter county has a citizen's initiative process that can be undergone and we are fortunate that it allows for that. I think that Ms. Lake also eluded that fact; and Ralph, thanks for all of your studies and for having the courage to take the time to make a change of direction in the way that we ultimately vote, it's important to Clay County with all that we have undergone. I think that if it is two percent or four percent, we have always said that we are not trying to make it more difficult, and you can't tell me that having these signatures being accumulated or gathered by a district does not make it more difficult even if it is 300 signatures you need to get in Middleburg; which could be done in a relatively small amount of time. I understand what people are saying, I hope that the entire county is represented here tonight if it is placed on the ballot. I just think that it is something in this case that would be perceived in the wrong way with the direction of this commission and what our motives were.

Roy Lyons: The object of this is to include the whole county and get them involved. If you just take this one small section of the County they could sit in Fleming Island and get all of the signatures that they wanted. The object of this is to make sure the whole County is included in this process. If they have an initiative that is sensitive to the whole County, they will have no trouble getting petitions.

Rob Bradley: I was curious, because I have always looked to Ralph on this issue. He brought it to our attention and has always provided the data to support arguments and that is what we think we have tried to do this entire process with all of our proposals; to base it on real facts and real data. Ralph, did Mr. Garrison's amendment and how it was presented change your perspective on this issue?

Ralph Puckhaber: No it didn't. I am just concerned that there is a general perception out in the general community that we are being punitive and we are directing this pack to certain individuals, or that is the way it is perceived; I don't consider it an attack. I just don't think that it is something we should deal with right now. We have other issues that are far more important, have far more bearing on the future of this County than this issue. This issue needs to sit and be taken up four years from now.

Rob Bradley: I appreciate those comments, and the comments of the Chairman and Ms. Lake. This has been a tough one for me personally. I have gone back and forth, but at the end of the day, I look at the two proposals that we put forward that we have already adopted, and I look at the five/two chair model. When I go to sleep at night and I wake up in the morning I get more and more convinced as the days go on that we are doing the right thing with those issues; yet, when it comes to this particular issue, I flip-flop all over the place. I can't decide, and when I feel that way about something, and we are talking about the Charter which is the Constitution of our County, it is not a place for an issue that I am flip-flopping with from my personal perspective. If I can't decide and be fully convinced and feel like this is the right thing to do and be fully behind it; standing to the people that this is what I believe is good for this County and do it with conviction, it is not something that I am going to support either.

Mary Cooperman: As you all remember I have always been against the four percent; now I could go for two percent, four percent (4%) would be an impediment.

Jim Gann: What I am hearing is political politicians talking here; either we are, or we are not. We either are, or we are not. It was a consensus a few minutes ago that we were; now we are not.

Rob Bradley: I would disagree there was a consensus and I also want to say that this is not a political decision. I agree with Mr. Cummings, yes, it is a great argument that it is good to have support from all areas of the County, but you can't say that it's just as easy to get something on the ballot under this system as it is right now, you can't say that. When you put in the requirement that they have to go to different districts it makes it more difficult, it is as simple as that. If we are going to make it more difficult, then let's make it more difficult; if we think that there are too many pregnant pigs in the County Charter then let's make it more difficult.

Roy Lyons: Why do you think it is more difficult? These people vote in those different parts of this county, they participate in this system, they do all of these things, yet, you don't want to include them in this initiative process. They should be included in this initiative process; a very small number, a two percent number. They should be included somehow, they should be in there. If you talk to people in Keystone Heights, they feel as though they are isolated and are not involved in things. If you go out to Middleburg, people are isolated for initiatives and everything else because it is all done right here in the populace area. This will bring those people in the County closer; they vote in the County, they do things in the County and they should be included in this. We now have single member districts, so why not include them in the same way. A consistency across the board is just good government.

Rob Bradley: I understand your point, and you're correct, that is a good public policy argument that you made. That's not the question, the question is, "Is it more difficult to do it under this system that we have right here than it is currently?" The answer is yes.

Roy Lyons: Do they have to drive to Keystone, yes; do they have to drive to Middleburg, yes.

Bill Garrison: Call the vote.

**Bill Garrison made a motion to amend the Charter with Proposal 3B, which states as follows: "Shall the provision of the Clay County Home Rule Charter for proposing charter amendments by initiative be amended to change the required number of signatures from ten percent (10%) of the electors who cast ballots in the last general election to seven percent (7%) of the electors qualified to vote county-wide, including two percent (2%) of the number of electors qualified to vote in each commission district, in the last general election. Roy Lyons seconded the motion, which carried 10-5. Those opposed: Rob Bradley, Karen Lake, Ralph Puckhaber, Michael Q. Rogers, and Travis Cummings; all other members voted in the affirmative.**

#### PROPOSAL 3A

#### MODIFYING PETITION REQUIREMENTS TO PROPOSE AMENDMENTS TO COUNTY CHARTER

Ballot Question:

SHALL THE PROVISIONS OF THE CLAY COUNTY HOME RULE CHARTER FOR PROPOSING CHARTER AMENDMENTS BY INITIATIVE BE AMENDED TO CHANGE THE REQUIRED NUMBER OF SIGNATURES FROM TEN PERCENT (10%) OF THE ELECTORS WHO CAST BALLOTS IN THE LAST GENERAL ELECTION TO SEVEN PERCENT (7%) OF THE ELECTORS QUALIFIED TO VOTE IN THE LAST GENERAL ELECTION?

AMENDMENT \_\_\_\_\_.

Section 1. Subsection A of Section 4.2 of Article II of the Clay County Home Rule Charter shall be amended to read in its entirety as follows:

A. Amendments Proposed by Petition.

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least seven percent (7%) of the electors qualified to vote in the last general election. (2) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified. (3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one

hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void and none of the signatures may be carried over onto another petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon. (4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 2. If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. If adopted by the electors, this amendment shall be effective January 1, 2007.

### PROPOSAL3B

#### MODIFYING PETITION REQUIREMENTS TO PROPOSE AMENDMENTS TO COUNTY CHARTER

Ballot Question:

SHALL THE PROVISIONS OF THE CLAY COUNTY HOME RULE CHARTER FOR PROPOSING CHARTER AMENDMENTS BY INITIATIVE BE AMENDED TO CHANGE THE REQUIRED NUMBER OF SIGNATURES FROM TEN PERCENT (10%) OF THE ELECTORS WHO CAST BALLOTS IN THE LAST GENERAL ELECTION TO SEVEN PERCENT (7%) OF THE ELECTORS QUALIFIED TO VOTE COUNTYWIDE, INCLUDING FOUR PERCENT (4%) OF THE NUMBER OF ELECTORS QUALIFIED TO VOTE IN EACH COMMISSION DISTRICT, IN THE LAST GENERAL ELECTION?

AMENDMENT \_\_\_\_\_.

Section 1. Subsection A of Section 4.2 of Article II of the Clay County Home Rule Charter shall be amended to read in its entirety as follows:

A. Amendments Proposed by Petition.

(1) The electors of Clay County shall have the right to initiate proposed amendments to this Home Rule Charter upon petition of the qualified electors in the County. The number of qualified elector signatures for a valid petition must equal at least seven percent (7%) of the electors qualified to vote in the last general election; provided that the petition shall contain the signatures of not less than four percent (4%) of the number of electors qualified to vote in each district in the last general election.

(2) Each such proposed amendment shall embrace but one subject and matter directly connected therewith. Each Charter amendment proposed by petition shall be placed on the ballot by resolution of the Board of County Commissioners for the general election occurring in excess of ninety (90) days from the certification by the Supervisor of Elections that the requisite number of signatures has been verified.

(3) The sponsor of a petition amendment shall, prior to obtaining any signatures, submit the text of the proposed amendment to the Supervisor of Elections, with the form on which the signatures will be affixed, and shall obtain the approval of the Supervisor of Elections of such form. The style and requirements of such form shall be specified by County ordinance. The beginning date of any petition drive shall commence upon the date of approval by the Supervisor of Elections of the form on which signatures will be affixed, and said drive shall terminate one hundred and eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred and eighty (180) day period, the petition initiative shall be rendered null and void

and none of the signatures may be carried over onto another petition. The sponsor shall submit signed and dated forms to the Supervisor of Elections and upon submission shall pay all fees as required by general law. The Supervisor of Elections shall within sixty (60) days verify the signatures thereon.

(4) If approved by a majority of those electors voting on the amendment at the general election, the amendment shall become effective on the date specified in the amendment, or, if not so specified, on January 1 of the succeeding year.

Section 2. If all or any portion of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. If adopted by the electors, this amendment shall be effective January 1, 2007.

**There being no further public comments on Proposal 3A or 3B, this portion of the public hearing was closed.**

## **RECESS**

### PROPOSAL 3C

#### ADDS TWO COMMISSIONERS AT LARGE TO COUNTY COMMISSION WITH SALARY LIMITATIONS

Ballot Question:

SHALL SECTIONS 2.2.A. AND 2.2.C. OF THE CLAY COUNTY CHARTER BE AMENDED TO PROVIDE FOR A LEGISLATIVE BODY OF SEVEN RATHER THAN FIVE COUNTY COMMISSIONERS, CONSISTING OF A CHAIR AND ONE COMMISSIONER, EACH ELECTED AT LARGE, AND FIVE COMMISSIONERS ELECTED FROM DISTRICTS; TO SPECIFY DUTIES OF THE CHAIR; TO PROVIDE FOR SELECTION OF A VICECHAIR, THE CONTINUATION OF TERM LIMITS, AND FOR REDUCING SALARIES OF COMMISSIONERS TO ABSORB THE SALARIES OF TWO ADDITIONAL COMMISSIONERS?

AMENDMENT\_\_\_\_\_.

Section 1. Section 2.2.A. of the Charter of Clay County is amended to provide as follows:

*A(1). The County Commission.*

The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. Five County Commissioners shall reside one in each of five County Commission Districts, the Districts together covering the entire County and as nearly equal in population as practicable, and each District Commissioner shall be nominated and elected only by the qualified electors who reside in the same County Commission District as the Commissioners. Each District Commissioner during the term of office shall reside in the District from which such Commissioner ran for office, provided that any Commissioner who is removed from a District due to redistricting may continue to serve during the balance of the term of office. The Chair of the Commission and one Commissioner shall be nominated and elected at large. No person elected for two consecutive full terms as County Chair or a member of the Board of County Commissioners shall be eligible for election as County Chair or a member of the Board of County Commissioners in the next succeeding term.

*A(2). Duties of the County Chair.*

The office of the County Chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, this Charter, or county ordinance, provided that such powers shall be exercised in a manner consistent with this charter. The County Chair shall have the specific powers and duties to: Preside as Chair of and in all other respects participate in the meetings of the Board of County Commissioners and have an equal vote on all questions coming before it. Serve as the official and ceremonial representative of the government. Issue proclamations on behalf of the government, which shall be reported to the Board of County Commissioners upon issuance. Execute ordinances, resolutions and other authorized documents of the government. [Optional additions which the Charter Review Commission may consider: Serve ex-officio as the county government's representative, and appoint other Commissioners to serve in the county chair's stead, on other bodies external to county government Place items on the agenda of meetings of the Board (in addition to those items so placed by the County Manager) Report annually to the Board and the citizens of the County the activities of county government for the previous year and the status of accomplishment of existing goals and objectives. The report shall set forth new and revised goals and objectives for future action. Subsequently, the Board shall meet to consider adoption of a plan of action for implementation of the goals and objectives.] The Board of County Commissioners shall elect or re-elect at its annual organizational meeting a member to serve at its pleasure for a one-year term as Vice Chair of the Board to preside at meetings of the Board in the temporary absence, disqualification or disability of the County Chair and to perform such other duties as are assigned by the County Chair.

Section 2. Section 2.2.C "Salaries and other compensation" of the Charter of Clay County is amended to provide as follows:

*C. Salaries and other compensation.*

Salaries of the Chair and each other member of the Board of County Commissioners shall be paid at five-sevenths of the salary which would otherwise be payable from time to time to members of the Board of County Commissioners of a county of like population under the general laws of Florida. This provision shall not affect the benefits, except the calculation of retirement benefits, otherwise payable to or in respect of a Commissioner by general law or county ordinance,

or the expenses of a Commissioner otherwise reimbursable by law or ordinance.

Section 3. This amendment shall become effective upon approval by the electors of Clay County at a referendum to be held at the general election of November 2006, subject to the following transitional provisions:

(a) At the general election in November 2008, the electors of the County shall elect a County Chair at large for a term of four years and a Commissioner at large for a term of two years. At the general election in November 2010, the electors of the County shall elect or re-elect a Commissioner at large for a term of four years.

(b) This transition section 3 shall have no effect upon the terms of office of incumbent Commissioners elected from existing districts one through five. The change in the compensation of commissioners shall take effect with the first term to which that commissioner is elected following the effective date of this amendment.

(c) For purposes of the limitation on successive full terms as Chair or other member of the Board of County Commissioners, no term of office beginning before November 2000 shall be considered.

(d) When all of the provisions for transition have been completed, this Transitional Section 3 of the amendment shall be automatically repealed.

Section 4. If any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

**The public hearing opened for discussion of Proposal 3C, the expansion of the Board of County Commissioners by adding two at large commissioners with salary limitations; with one of them serving as the elected Chair.**

Allen Watts: Mr. Chairman, for those who have been coming to the hearings, this was the proposal that was labeled 3C1, and now would be Proposal 4 if it is adopted. It is proposed to add two commissioners at large to the County Commission with salary limitations.

The Ballot Question is: "Shall sections 2.2.A. and 2.2.C of the Clay County Charter be amended to provide for a legislative body of seven rather than five county commissioners, consisting of a chair and one commissioner, each elected at large, and five commissioners elected from districts; to specify duties of the chair; to provide for selection of a vice-chair, the continuation of term limits, and for reducing salaries of commissioners to absorb the salaries of two additional commissioners?"

Mr. Chairman, this amendment creates what is called a five and two plan; the five members of the County Commission would be elected for five districts only by the voters of each district as the Charter now provides; but the Commission would be enlarged to provide two officers who are elected by the county-wide electors. One of those would be commissioner at large; the other would be "Elected Chair" of the Board of County Commissioners. The Chair would be essentially be a "weak mayor" form of government; the Chair is not the chief executive or a manager of the government, the appointed County Manager continues as the chief executive officer under this form of government. The purpose of the Chair is to provide some leadership on a permanent basis rather than having the Chair elected by his or her peers every year. The Chair would be elected for a term of four (4) years; would reside as the Chair of, and in all other respects participate in the meetings of the Board, serve as the official and ceremonial representative of the government, issue proclamations, execute ordinances and other authorized documents, serve ex-officio as the county governments representative, and appoint other commissioners to serve as County's Chair stead on other bodies external to county government. The Chair would have the power, in addition to the power of the manager to place items on the commission agenda; the Chairman would have the right to place items on the agenda. The Chair would be responsible for reporting annually to the Board and to the citizens of the County the activities of the County government for the previous year, and the status of accomplishment of goals and objectives; setting forth new or revised goals and objectives for future action. The Chair would have the power to appoint committees and committee chairs of the Board of County Commissioners. Those are potentially are the prerogatives of an elected Chair under this proposed amendment. The other commissioner at large would simply be that; a commissioner who is elected by county wide vote, each, the commissioner at large and the Chair would serve for four year terms as any other commissioner. The commissioner at large would not be elected at the same election as the Chair. Every two years you would either be voting for the Chair or for the commissioner at large; not both. For those governments that have consciously taken up this particular form, the reason for staggering the seats is so that the commissioner at large does not

really interfere with the leadership of the Chair; if the commissioner at large really wanted to be the Chair, they would have to resign in order to run for the Chair because they are on the off-cycle and would have to give up the remaining two years of their term if they were going to run for Chair. Are there any questions?

**The floor was opened for public comments regarding Proposal 3C.**

**Barry Allred**

2592 Admiral's Walk

Orange Park

Speaking in favor of this proposal, I have read your minutes and although this is the first meeting that I have attended I am aware of the comments that others have made in support of this proposal. I think there are some strong arguments either way for the single member districts, as well as the at large districts. I think there is also a very strong argument that can be made for a blended county commission as we have now. I want to focus my arguments on an issue that I think is particularly critical to this County and it is very well addressed in this proposal and that is the issue of leadership. I have lived here since 1985, 21 years; I am not an origin citizen of Clay County, but I have lived here a long time and I have seen this County evolve both in terms of its population, its level of sophistication, and its leadership. I think in many respects, even though we have had some issues in recent years with our County Commission, that you have to suggest that our county commissioners have really done in many respects quite well when you consider the fact that we have asked them to elect from their own membership a Chair for one year. That gives this individual only one year to provide leadership and knowing that he or she will then be back into an equal member status with the other commissioners. This County needs some strong leadership; this County needs a vision. I attended an Economic Development Summit two weeks ago where I heard a presentation about some significant progress that is being made by a consortium of seven (7) counties in Central Florida, and that kind of progress and futuristic perspective is entirely possible for Northeast Florida, but it will happen in the absence of Clay County if we do not develop a strong type of leadership for this County. I think that the outlying responsibilities that Mr. Watts' gave us are very closely fit what I would recommend for this kind of position. We need someone who is going to provide us with some vision, we need somebody who can look at more than a one year horizon, and we need somebody who can provide a uniform leadership across this county for a long period of time. We need to hold that person accountable, they need to report every year for what they have done, and if in fact we are not happy with what they have accomplished, at the end of their four year term we need to vote them out and bring somebody else in. The only concern that I have for this entire issue is the dilution of their salary, it has been my experience that you get what you pay for. This County is moving ahead very aggressively in many directions and we need quality people who want to run for an elected position in this County. I wholeheartedly and very strongly support this five/two Chair proposal, and I would encourage you not to make an adjustment in the salary positions. Thank you for the opportunity to make my remarks.

**Jerry Agresti**

6833 Old Church Road

Green Cove Springs

I served with Barbara Davidson on the original Charter Review Commission who was actually responsible for reviewing the Charter form of government and recommending that we either adopt it, or not adopt it. You know the history; we thought it was a great idea, and we thought it was very necessary and it got voted in. I can recall, as can Barbara, that it really made a lot of people mad. There was actually an attempt to undo the vote on the Charter and a lot of us showed up at the county commission meeting with I voted stickers on, that opposition died at that point. A lot of people did a lot of work and fought a lot of battles to get this form of government here in Clay County. In doing so, and I don't know if this was the consensus of the Charter back then; but in doing that, the vision of Clay County's future is what became important to the Charter form of government, the ability of the Home Rule Charter to control our own destiny. That is what the Charter form of government was all about. We knew that we were under a five commission form of government that was legislated by the state I think called a statutory form of government; it was in the books and you could use that if you were a rural county. It worked; it worked great here in a non-charter county. There were advantages to the charter counties that we didn't have because we were under that statutory form of government. When I got here, and I have been a Clay County resident for some 35 years, there were 30,000 people and five county commissioners worked just absolutely fine, we had no problem with it. Through the Charter Review Commission, I realized that this form of government was going to break sooner or later and unfortunately, when you have a bunch of happy people living in Clay County because it was a great place to live, and still is, as long as they don't see the broken thing; it is very difficult to get them to do anything about it. So, the visionaries kept harping this wasn't going to work forever, but we couldn't get anything done about it until now. Now, we have seen our transportation system break, we have seen our form of government break not because of the people who are in it, and that is subject to opinion, but because the form of government was not right for 180,000 people. It isn't right for 180,000; it isn't going to be right for 200,000, or 300,000 people. The farther we get into this, the less our form of government is appropriate for the job it has to do. Knowing that, I will tell how many people knew it back then. You will notice that the Administration Building where the county commission meets is already set up for seven commissioners, that was done with a view to the future. It wasn't a question of should we go there, should we change our form of government; it was just a question of when would the people be ready for it. In my opinion, they are ready for it now and it's been brought on to us by near catastrophes and if we don't want those to keep coming in our face we better get the proper form of government in here. So you say what is that; I think that the majority of adults in this country, or at least those polled failed when they were asked to mention the three branches of government. It wasn't Larry, Curley and Moe; it was Executive, Legislative and Judicial. We have always had the Judicial Branch, we have always had the Legislative Branch, and we have never had the Executive Branch. If you are going to govern a lot of people you need to have an Executive Branch and that is what we are working towards. This is a good interim step I think towards creating an Executive Branch. That's the checks and balances that we have been looking for in Clay County. The Executive Branch checks the Legislative Branch and visa versa. The vision for the County, the long-term planning comes from the Executive Branch not the Legislative Branch and then it has to be sold to them, and then you move forward with whatever the issue of the day is. I wholeheartedly support what you are doing. I think there is another step

beyond this and that is to go to a true Executive Branch, fully separate and staffed. I think it will work but it raises the hair on the back of my head when you basically put the mayor in charge of the Legislative Branch because I think that is mixing the checks and balances too much. I think we can watch it and make it work. I support that, and I think the next Charter Review Commission, or maybe the one after that needs to talk about going to a true Executive Branch separated from the Legislative Branch and let those true checks and balances come into play.

### **Rick Bebout**

Keystone Heights

The proposal you have before you for the idea of the Chairman being elected - I like that because we need strong leadership and it is obvious that we have needed it for some time. Now, we have that in this proposal and the only thing that I would suggest is that instead of having an annual report, I would like to have him report quarterly, sort of a State of the County. It has been my experience working with the government for 28 years that if you wait for a year you are so far behind the curve you can't catch up, and that is where we are right now in the County. If we report quarterly and we have some accountability on a quarterly level with a strong leader, I think we can get a better feel for what our County is doing and where we are going.

### **Barbara Davidson**

My point is this; when we went into this Charter we thought that maybe we should have seven instead of five. There was no way we were going to sell that to the public then, we were doing good to sell a Charter, so that's why it wasn't there to start with. Also, we do have an Executive Branch in our government but it has not been considered or operated as an Executive Branch for some time. The County Manager is the Chief Executive Officer, if you will, of this County. He should be working in conjunction with the Commission, and they should be working in conjunction with him. They are the ones that hire him and/or fire him and that concept has not worked out. As we all know, and I shouldn't say this but I am going to anyway, Clay County has always been known both publicly and privately as a delightful place to live that was infatuated with the good-ole-boy syndrome. Those good-ole-boys did a real good job at that time but we have outgrown that, and any of them that wants to stay and work, God Bless them, let them stay and work. There is a little more sophistication in Clay County at this time. It used to be when people from Orange Park went down to Clay County they would say here comes the silk-stocking brigade. I think that we all need to accept change. My point is this; just because a man is elected as this Chair for four years I have problems with unless that same thought is instilled in the County Manager for advanced planning and vision; I have problems with it being a true reality as it has been envisioned. Is there any way that we can place greater strength on the responsibility of the County Manager to make this two-system work better; that would be my only suggestion?

### **Linda Crawford**

I would like to echo just a little of what this lady just said by saying that I don't quite understand how the elected official means that we will have better leadership. I still believe that leadership comes from the people and we had some problems in the past with leadership and as a result we had the dumping problem, we have had the indictments; I believe that we do right now have an excellent County Manager. In 2004, we just voted to have single district commissioners and I feel like we should give it a chance to work with perhaps as she said, with an enhanced County

Manger position. I am afraid, and again, I always get back to the impact and the power of the people; but I am afraid that if we have a county-wide election for a leader of the County it will mean a lot of money again. Right now people are able to vote in their district for who they want to represent them. Big amounts of money are going to come into it much more if we have a county-wide election every four years. Would it not perhaps be possible to have leadership among the commissioners for longer than a year? Is there some way that could be done? I would like to see this five district representatives. At least give it a chance to work for a while before we change it again.

Chairman Cummings: Ms. Davidson, you asked a question and I think that after we are done with the public comments and Mr. Arrington has spoken, it would be a good time to answer it.

**Robert Rinker**

Lakeview Drive  
Orange Park

I have to agree with Mr. Allred and Mr. Agresti in the purpose of this proposal, in that we need improvement in leadership in our government. The question is how we are going to get it. What you are opposing right now is not a bad idea with one person elected at large to essentially be as Mr. Cummings or Mr. Watts' mentioned, the weak mayor. Personally, I think that a better solution would be to put that in the County Manager's job description and elect a County Manager county-wide. We elect our Superintendent of Schools and most of our other County officials. For the most part it has worked out fairly well; we have stumbled a few times, but if we think about the schools for example, and compare our schools with our elected superintendent with Duval County's appointed superintendent; we would have done a whole lot better, no question about it. It seems like that would be a good thing to do with our County leadership and the County Manager. That would give us our Executive Branch so to speak; directly accountable to the people. At this time is probably too late to do that in this cycle anyway, and so the next best solution I think would be to elect a county commissioner at large to act as the county executive. I have some question as to why we need the second at large commissioner, it is at all not clear to me, and it looks like a solution in search of a problem. However, if it is such a good idea to have at large people elected with the exception of this county mayor if you will, then you would think that you would do that with our state legislators and our national legislators. Since we don't do that it seems like I again, am not sure what the advantages are going to be with another at large. If we need seven people instead of five, redistricting would seem to be a much easier solution; create six districts instead of five and then we have our county mayor, and that would seem to solve that problem of odd numbers. The issue of just going to single districts; we are back in the perception issue now, and the perception is that the political powers, the good-ole-boys in the County didn't like the single member districts and so they are working hard to undue it. Whether that is fair or not, that is the perception by a number of the voters in the County. I would think that you would want to reconsider the second at large member at least and try to leave what the voters voted for two years ago as intact as possible until we see what really needs to be changed.

Chairman Cummings: Mr. Rinker, you are supportive of an elected at large Chair.

**Robert Rinker:** Yes, as I said, several people have said that we need some kind of leadership. Where we are right now seems like the best way to get it.

**Ted McGowan**

1065 Bulkhead Road  
Green Cove Springs

First, I want to commend you on the great job that you are doing as volunteers. I am analytical as an engineer and have more or less run some numbers. I am in support of the five/two system and it appears to be a very positive move in the right direction. I think that everybody is focused on the leadership issue. From a political science standpoint, it sounds like the two at large are more like our US Senators, so I think you come more in line with that type of system; thus, in conjunction with that, provides the leadership we need. I expected a lot more opposition to it and I am glad to hear the support that we have tonight and may hear some more of that later. Under the current system you have single member district representatives and if there is a banner turnout at the election you will get about 80% turn-out; I think 50% is probably more typical than that. So, if you get a landslide vote and have 60% elect that candidate, you have roughly six percent of the population that voted that candidate who is once every four years going to become the Chair of this group. I think from a psychological standpoint that leader never has the full embodiment of the electorate to really feel like he has the support as a leader. That's kind of been proven out that he didn't have that ability to stand out as a leader. He may have, but you don't get that result from the way the election is held right now. I was hoping that you would go through the pros and cons and list them, and go through that evaluation, but maybe you will do that later. If you look around at most organizations typically you would have a strong leader whether it's a business, which all businesses have a CEO. The most successful businesses have a recognizable CEO who has brought that company to great status. I think that is what you are heading towards, and thank you Mr. Watts' for explaining the weak mayor situation, I think that provided a lot of clarity. You are not giving up too much power. It is good to call it a weak mayor and it does provide an image and that is what the County needs right now with all of the changes it is going through. Mr. Agresti was very accurate; this is probably an evolution to something better, but it certainly in my opinion is what we need right now. The pros and cons side; on the cons, I had a hard time with that one, but the things that I have heard is that it provides an imbalance of electorate representation. I don't know how that is justified, but also that the cost could be higher and certainly that a bad Chair would be in place for four years and you would have to live with it for that period of time. Some think that it is negative for the Chair to be elected county-wide. The pros; some think that it is good for the Chair to be elected county-wide, I don't know if that is good or bad, I guess it's both. Some of the other pros; if it certainly comes back to the this leadership issue and that resounds here most dominantly in Jacksonville where you do have a mayor and the Mayor of Jacksonville was able to champion a cause, Mayor Delaney back then with the Better Jacksonville Plan. Certainly we need a better play plan right now and nobody has stepped up the plate to do that. I think that a weak mayor or a chair would certainly provide that opportunity. Identity for the county; we are in a regional situation as Mr. Allred had explained that he had been to a number of those. A lot of us who are involved in anything in Clay County go to something that has a regional affect. To participate in that, a local leader in Clay County will really provide some identity that will probably give us a lot more credibility in that regional power play that we have - a lot more respect by the counties that are part of that region. I polled some of my tenants and employees and asked them who the Mayor of

Jacksonville was and certainly every one knew who the mayor was. I asked the same group who was the Chair of the Clay County Board of Commissioners right now and not a single one of them could tell me who it was. I think that just says a lot right there, absolutely no leadership in the County. Most of them probably didn't know who their own commissioner was; I did not ask them that. It is just the reality of the structure, and I think that it is the structure. Developing and maintaining this regional relationship is very important right now because on the cost issue, that leader will go out and be representative of the MPO and with the State Legislature. In getting our fair share of taxes he would carry a lot more weight in that and I think that his efficiency and eliminating decisiveness among single member districts, along with his ability to lobby and get more funds for the community would overcome that cost situation that's very insignificant in the overall percentage of the budget. Again, I commend you for the work that you are doing. I think that you have been very fair about it and I recommend that you do move forward with this five/two proposal that you have in place.

**Colin Groff**

425 River Birch Lane  
Green Cove Springs

I would support this too for the same reason that you have heard. The County does need some strong leadership mainly for the regional impact. Now, there is a lot of regional projects going on that is multi-year projects and there is a lot of money out there that can come into Clay County if they are represented well in those groups. Switching every year, it is difficult to get that good representation on these groups and these multi-year projects because these groups are seeing different faces and you are going to see the money going to the counties that have that consistent leadership, that face that they can identify with and a name that they can identify with; that is where the money is going to go. I think that we are going to need some of that money coming in to our fast growing County to keep the quality of life that we all enjoy. I think it is very important to have a leader, and having a second member at large is the way to get your odd number of commissioners. Right now it is probably the only way; maybe redistricting in the future is another way. A couple of comments and concerns; it is going to have to be very clearly stated that the relationship between the Chairman, the County Administrator and the Board, and the County Administrator because there could be some conflicts there, so there should be some way. A lot of the larger counties are going to where the commissioners actually have their small staff that would actually answer one of the questions we had earlier on the ethics issue, but there are some issues that have to be addressed and I am sure they would be if this charter amendment passed. To make sure that line of communication is clear that we don't get in trouble with ethics like the County did before. That is something that probably needs to be considered; other than that, I think that this is very good proposal for the County and I would strongly recommend that you forward this for a vote by all of the citizens.

**Diane Hutchings**

1817 Wesley Circle  
Fleming Island

I was born in Green Cove Springs and I am glad to be with you here tonight. I just want to say that you are here for the big paycheck you are going to get after all of this. I served for six years on the City Council in Green Cove Springs, so I served under a charter form of government. I really enjoyed it and felt like the lines were very well defined on what we were able to do and

what was off-limits, and the appropriate first contact if we had questions. I applaud those efforts many years ago and the vision that you had Barbara, to put the County on that form of government; unfortunately, it was a Grand Jury Report that got the City of Green Cove Springs to do that. Some of the first feelings that I had when I heard that we were going for the single member districts having been in public office and being one on a body of five, frequently being one vote on a body of five with four going in the other direction, I can tell you that my first thought frankly was, wow what a safe haven we are providing for somebody to keep their district happy. Don't think you haven't given the people that are serving in that one district a grand opportunity to always come out smelling like a rose. So this isn't going to be the be-all, end-all to make everybody clean and squeaky and be on their best behavior. I do think that if you look at our state form of government, when you have the House of Representatives and then the Senate, if you can go, as a colleague of mine did at work, and appeal to your person in the House of Representatives, I have a complaint, I have a problem, I need assistance, and you don't get a response, you go to your Senator. A friend of mine recently had to do that here in the State of Florida. Our House of Representative contact was worthless, so he went to his Senator and got a good response. I, as a resident of Clay County would not want to be hindered to have one shot at getting somebody to help me. Let me tell you, government at home is government close to the people, you see them at Winn Dixie, Wal Mart, the ball fields; you can end up with not a great relationship sometimes. I sure wouldn't want to end up with an elected official that just happened to be somebody that I couldn't communicate with and have no alternative. I think that having two at large people would help us. I am being very self-servant here and frank; to have more than one person that we could go to if we had a need, and needed somebody to work with. I also wanted to say that I thought it was quite presumptive that there were folks that I would venture saying were probably the parents of the initiative that got us to the five member districts, to think that to give me the opportunity to vote for an additional two at large was taking anything away from the five single member districts; it was presumptive and frankly insulting to me. I want that opportunity to be able to vote for the five districts and the two at large. In closing, I will say that when I was on the city council I got my one year of the big red target, they called it mayor; it was awful, it was painful. You were the person that went to all of the mediations and we were going toe to toe with the County at that time over the jail they wanted to build, that we did not want. It was a hard year, but I can tell you it was very hard on our staff because every time you change in our case to a new mayor every year, the mayor then appoints people to do different things. The mayor has their own agenda, things they want to get accomplished while they are in that seat for that one year. The mayor has a delicate balance of trying to keep the other folks on the council that they are supposed to serve with in a good relationship so that you can work with them and not appear to be one upping everybody. It just doesn't work; I can tell you that from experience. I think that if we went to where we have somebody who is specifically the chosen one, guess what buddy, you have to go to everything, because you are the at large. If we could do that, I think it would simplify things not only for us as county residents, but think about what it is going to do for our staff, that they now have leadership as well.

**Gary Trane**

6481 River Point Drive  
Green Cove Springs

I am here to speak in favor of the new at large; the five and two. I think that based on my experience and business, the poor people who are in the trenches can not be held responsible for

having the foresight to look ahead, they are too busy fighting the daily fires. If we have a single head of our County Commission and that is his job to keep us on the right track, then I think that we are going to be able to avoid a lot of the pitfalls that we have fallen into. Anybody that tries to get off of Fleming Island in the morning to get to Orange Park can attest to the fact that there wasn't much future planning for how we are going to get all of these people around. Somebody has to step up and take on those responsibilities and I think that having the commissioners at-large, one being in-charge and responsible for the overall direction will be the thing that will help us be ready to go for the next ten, fifteen years. The way it's turning now we are on our way to disaster.

**There being no further comments, the public hearing was closed for Proposal 3C.**

Chairman Cummings introduced special guest, Mr. Larry Arrington from Volusia County who works for Arrington and Marlow Consulting; previously a County Manager for Volusia County. The floor will be opened for the CRC to ask Mr. Arrington questions.

Mr. Arrington: I am not going to make a speech because you have all of the arguments down very well. I have been listening and the pros and cons are well understood, and the implications of what you are getting ready to decide are well understood. What you are doing obviously is exceedingly important for the future of your County and I commend all of you for the hard work you have been putting into this. It is clear that you have a good grasp on what you are dealing with. I came out of Stetson University in 1973 and immediately went to work for Volusia County government which was the first county in Florida to adopt a Charter under Article VIII of the Florida Constitution as revised in 1968, and I worked there for a number of years. I went to Tallahassee for a while and came back to Volusia County as Deputy County Manager and then went out in the consulting world, then got crazy and went back as County Manager for five years. Now, I am back out in the consulting world and all of that time I have known Allen Watts'. We have worked on several county charters around the state; in fact, I remember in the late 80's or early 90's I was talking to a group of people about charters during those days. I have had a long history with this; with these arguments, and I can tell you that you have the pros and cons down very, very well. I don't need to say a whole lot. What I would like to do is to answer questions that you might have or help you think through some of the issues that you might be grasping with as you struggle with this method of elections and motion for an elected chair. I will tell you the bottom line with my recommendation to you and that is that I think you have landed on the best model; the five/two model. I know the arguments for single member districts, I know the arguments for at large; there is no question in my mind that the blended model is the one that reconciles most of those conflicts and harmonizes the various arguments in ways that can serve your county quite well. One of the dangers of full single member districts is that you get too fragmented in your community; you need the at large to balance that.

Much of what county government does in today's world is general county in scope. Many of the major responsibilities county government has is responsibility that expand the entire County, so you need that perspective. You also need the accountability and responsiveness that single member districts can provide. So when you blend them the way that you are talking about, you're landing on the best model. Recently, I went back in to do some consulting work for Volusia County because they had gone to the elected Chair model, the very model you're talking

about. They already had the five/two and for all of the reasons that you're talking about they decided to elect the chair for a four year term. They had been at it for about 18 months and they ran into some problems and issues that they needed to have resolved, so we went in to help resolve them; there were two things that they were struggling with. One was a clear understanding of the roles and relationships among the council, the elected Chair, and the staff. They needed to get clarity on what these new roles were all about. So one thing I would recommend that you do if your voters go to that model, maybe in a management recommendation that you make to the county, or the community, or whoever as a result of your work, is to be sure the new county commission, the county manager, and the new elected chair go through a process where they really drill down on what their roles and relationships are. Different people are going to have different expectations about those and if you don't get clarity of very discrete matters that they are going to be dealing with like who sets the agenda, who makes budget recommendations, who will speak for whom, how is the manager and the Chair going to relate, etc.; if you don't get clarity on all of that you can go through a period like Volusia County did where you have a lot of bumps in the road that I think could have been avoided had they gone through that dialogue first. The second thing that we were doing for them and hopefully will be doing on a more involved basis over the next several months is the issue of leadership, planning, and vision. The Volusia County Charter has the same provision that you have got before you about one of the roles of the new Chair being able to articulate goals and then to evaluate them, and so on. That's extremely important stuff and it's got to be done right. Most of the counties that are trying to do it right are calling it strategic planning, there are other terms that you can use but that is the term that is often used. You go in and you try to get a plan that is going to last you for the next three to five years if not longer and you make that part of the culture of your organization and you do that on an on-going basis. The Chair leads that effort, but the Chair is only one and needs to do it in a more team environment. The manager needs to be heavily involved in that; to get at this question, the manager and the Chair need to be communicating very carefully about all of the vision and planning issues. I would encourage you to think about making sure these new roles are clearly understood and articulated, and that the county undertakes a focused, formalized, planning process that sets these goals and figures out how to achieve them and how to measure their performance over time. That way you got a good shot at making this new forum work if that is indeed what the voters enact. I will answer questions or help you think through issues that you might have on your minds.

Mary Cooperman: The thing about the two at large and one which will be on the ballot will end up being the Chair, and will run for that Chair. My fear is that a group of people in this County will have a person that they will have in mind and who will be their person since everybody can vote for them that they will vote to get their man in and that person would have control. Currently, we have an excellent, excellent county manager and I don't want anything to happen to him. I would hate for this other thing to happen and how do you prevent that?

Larry Arrington: One way you prevent it is to get real clear about what the role of the new Chair is and is not, and what the relationship to the County Manager is, and what the role of the County Manager is. The way that I understand the model that is in front of you now is clearly that the executive responsibilities stay with the County Manager. The County Manager has the responsibility to the full commission, including the Chair. The role of the elected Chair is really the things that you have been articulating, it's to get out there and be the ceremonial head of

government to represent this government. Externally, I can tell you as a former County Manager who did not have a fully elected Chair like you are talking about, I was often put in a position of having to deal with elected officials outside the county and in the region and we have a governing system as you all know they are run by elected people not by appointed people. I think having that visible leader, the spokesperson for your county is important. Having said that, that person, in order to govern under this model has to be team oriented, it is not going to be a one-person show it can't work that way. It has to be team oriented, the team orientation has got to be as to the other commissioners and it has to be as to the manager; all of whom have to be brought along. You want someone who has good consensus building skills, who knows how to work in the system you are talking about. The system that you are talking about is the weak mayor plan on the council manager model. It is used all over the country and most of the managers that I know who have worked under that system really like it for the reasons that I have articulated. From a manager's point of view, it's best to have someone who can make that political spokesman for the county and so on. You have to always guard against the abuses you are concerned about to be sure. One of the things that I saw Volusia County run into with the elected Chair out of the box, is they didn't get clarity on what those roles and relationships were going to be like, they didn't vision it out, they did not think about it, they did not have dialogue about it; within a year they were in trouble. Now, they have pulled themselves out of the ditch and they are really making good progress because they have had that. I think that if Clay County moves to that model you need to go through the same thing and you will avoid the problems that you are concerned with.

Jim Gann: How did they go about clarifying it?

Larry Arrington: The first thing is you can't change something that you don't acknowledge. The first thing that they did was acknowledge it honestly and they saw that they had issues that they really needed to discuss and bring everybody together. What they did is hire my firm to come in and work on it. We interviewed all of the top staff; the manager and the new manager who was in transition, the elected officials, and the people who were involved in the Charter Review, and the citizen's advisory group who came up with the elected Chair. We did a whole lot of research to get a clear understanding of what people's expectations were and where they were having problems. Then we worked the council through a full day of discussion about their roles and relationships in a very discrete way; we got down to the nitty-gritty of things that they were having trouble with. They concluded that day with a much clearer and better understanding of what they needed to do. The one thing that was missing by their own admission and by the admission of the Chairman was his fulfilling this role to do his long-term plan; set the goals, the vision, and leadership component of what they were looking for. That is now what they are working on; so that is how we did it. It is a question of using common sense and getting in there and acknowledging a problem and working through them.

Jim Gann: It is beyond the scope that we have here.

Larry Arrington: Absolutely, I would say you as the CRC, it is just to acknowledge the importance of them doing that and pass it on to them, and tell them to call the county chairman in Volusia County and he will come up here to talk to them so you don't go through the same kind of issues he went through.

Roy Lyons: I am curious about your opinion on one area we are discussing and that is reducing the salaries of the commissioners to absorb the cost of the two additional commissioners.

Larry Arrington: I don't have real strong feelings about it but I can tell you this much, you are going through a cultural shift over a period now since the early 1990's. You have moved away from the old county commission form where both legislative and administrative power was infused with the county commissioners. That's the form that justified those salaries that are in the Florida Statutes that don't otherwise make any sense at all. There is no logical basis for them other than tying them back to that notion that your county commissioner exercises legislative and administrative powers and is there on a full-time basis. You have moved away from that now and you have already gone into a separation of powers to some extent with the County Manager, although I understand that has taken a while to bring to full fruition. Now, you are moving to another step with an elected Chair. In all of those changes, the role and function of an elected governing board member changes. I can tell you that most counties that I have worked with in recent years with charters have looked at changing the salaries; some have chosen to do it and some have not. The ones that have chosen to change them have done so on the premise that the with the role exchange that the administrative burden has been lifted. You are looking for part-time policy makers, not full-time administrators and policy makers fused; and, for that reason the salary needs to be adjusted. Then the question comes, well how do we adjust them and that is where you run into everybody having a different concept and a different idea. This is a novel idea that you have, it is interesting, it might work if you chose to play with the salaries and lower them. Another way that I have seen it done is that you tag them to school board salaries. School board salaries are somewhat less than county commission salaries under the Florida Statutes. You could say well, they are roughly equivalent in terms of the kind of role we want them to play; maybe they are and maybe they are not. There is more art than science to that. That is how I have kind of seen charters treat that question.

Bill Garrison: What about the question of giving the elected chairman more salary than the others.

Larry Arrington: I think that most people who I have heard debate that in recent years think that is a good idea. The reason is that an elected Chair, being a county commissioner in a growing Florida county in the year 2006 is a full-time job just about, it really is. I think that Clay County is about 200,000 people and growing. It may not quite be full-time yet, but it will move that way; it is very time consuming. But when you are the Chair under this model you are talking about moving to and you are expecting the Chair to be engaged in helping to put the agendas together and in helping to develop policy recommendations to the Board, working with the County Manager on a day-to-day basis on various issues and problems and so forth and so on; being out there 24/7 to speak for the county, attending these external meetings that you are talking about on a regional basis is increasing getting more important than all of the big urban areas of the state. I think it justifies more salary.

**Rick Bebout**

7622 Oak Drive

Keystone Heights

Under the elected county commissioner, how does the Sunshine Laws apply as far as the commissioners talking to them? Does everything still have to be done totally in the Sunshine?

Larry Arrington: Yes.

**Barbara Davidson:** I think the idea of changing the salary to bring it more in-line with the school board is an excellent idea from a citizens' standpoint compared to the man-hours rendered. My question is when you address the duties of the elected commissioner it sounded to me, or most of what you were proposing that you would have a position description just like other members of the staff. Is that basically where you're coming from?

Larry Arrington: No, I wouldn't bureaucratize it that way. Florida Statutes really spell out a lot of their duties, but there are all sorts of expectations put upon elected officials that are in the statutes that relate to the way that they do business on a day-to-day basis. I don't think that you will find in the Florida Statutes the rules of engagement about putting things on the agenda or not putting things on the agenda, or a requirement that the elected Chair come up with an annual plan and that sort of thing. These are things for your Home Rule Charter. I don't think that a full position description is what I am trying to get at so much as an understanding of how they relate to each other. I know that the elected Chair in Volusia when the office was first taken up there were people in the community who thought that it meant the strong mayor form. They expected the Chair to whip the staff in-line and go in there and run the show. He is saying, wait, that is not my role. There were members of the county commission who wondered if their role had changed and how they were supposed to relate to the Chair, what was the Chair going to do and is he going to tell them what to do, was he going to be more in control of the staff, will he be playing favors, will everyone be treated equally; all of these things festered when they moved to that forum. They got settled over time. My suggestion to you if you do move to this, is to settle it out early on and get clear on what the roles of the relationships are.

Barbara Davidson: The comment was made about an elected county manager. Do you have any thoughts on that, I don't have any?

Larry Arrington: I think that if you move to the elected county manager it probably wouldn't be called county manager anymore, it would probably be called an elected executive or elected chairman. The notion is that it would be the head of the executive branch who would hire and fire the employees, and direct the employees. The county in Florida that people look to for that model now is Orange County which moved to that model several years ago. They have the elected county chair who is in charge of the executive branch, but who also chairs the county commission. They he appoints with the consent of the county commission, a count administrator who does the day-to-day administration of the government, but the head of the executive branch is the elected county chair. It's similar to the City of Jacksonville.

Barbara Davidson: The day-to-day administrator is a professionally trained, qualified person in the government. When you get into the elected field, it is a popularity thing rather than the quality and that bothers me.

Chairman Cummings thanked Mr. Arrington for volunteering his expert knowledge and time.

**Rob Bradley made a motion to place Proposal 4 on the ballot as presented, for consideration by the voters, “Shall Sections 2.2.A and 2.2.C. of the Clay County Charter be amended to provide for a legislative body of seven rather than five county commissioners, consisting of a chair and one commissioner, each elected at large, and five commissioners elected from districts; to specify duties of the chair; to provide for selection of a vice chair, the continuation of term limits, and for reducing salaries of commissioners to absorb the salaries of two additional commissioners. Una Cornelius seconded the motion.**

**The floor opened for discussion of this motion:**

Michael Q. Rogers: I have reservations around salary limitations, I think there should be a pay for performance; we need to pay for performance.

Jim Gann: I believe the elected Chair should have a little more money because he is going to have more responsibility and it will be more time-consuming.

Chairman Cummings: Do we have anything in the current proposal to do this? Mr. Watts’ and Mr. Arrington, “Is Volusia County attempting to change the pay for their Chair?”

Mr. Arrington: Yes they are; in fact, there is an amendment to raise it even higher than it is now. It is under consideration.

Chairman Cummings: What is the percentage now?

Mr. Watts: I believe that the commissioners were given 50% of the state rate, and the Chair received 20% more than a commissioner. That was the original proposal adopted when the elected Chair system went into affect.

Roy Lyons: Mr. Arrington hit the salary right; our elected officials, our commissioners are now going to be Legislators and not full-time administrators as they have done in the past. We had the separation with the County Manager who will take over a lot of these things. Right now the commissioners are making \$58,000 a year and it is tied to the population in the county and it could conceivably in the next seven or eight years be up to \$80,000 for being a part-time legislator. Our school board members make approximately \$30,000; our State Legislators make \$32,000 a year and our commissioners make almost twice that. In this proposal with the salaries being divided like this, or some sort of system like this, they will still be tied to the population. Their salaries will still rise as the population increases. This may bring them back down to where they should be.

Jim Gann: I have two concerns, one of which; if we limit their salaries to 50% or whatever, we are going to run some people away from the job. Then I have another problem with free-loaders jumping in and getting these lower salaries and it becoming a full-time job for them. I have reservations.

Gordon Jespersion: With all due respect, I think you will have both of those problems at the same time. I would like to see the Chair have something – a higher salary because they are the face of

the County more or less if this were to pass. For better or worse, we are going to take the praise and the blame for whatever happens. I would propose that we do that and I would like to hear what the candidates think about it.

Chairman Cummings: I think that the current salary is roughly \$58,000 and if you kept that at the five-sevenths, that pay would get added to the two at large and it would not happen until the election of fall 2008. The current commissioners would complete their term.

Allen Watts: That is correct. This would take affect at the end of the term of anybody who is elected before, or at the 2006 election.

Chairman Cummings: That pay currently comes out to be about \$43,000 for each of the seven commissioners with the possibility of the Chairman being compensated more. That is still based on this formula.

Jim Gann: Why don't we simplify this and do percentage.

Chairman Cummings: You mean to reduce their pay to be a certain percentage.

Rob Bradley: Another words, your reducing the salaries of the commissioners to absorb the salaries of the two additional commissioners; this is how it is currently worded. Then, adding to that some sort of situation where the Chair makes a percentage more than the other.

George Espada: You have five and two at large. The two at large are doing more than the other five.

Rob Bradley: The one at large is not the Chair, and should not be.

George Espada: The Chair is the head guy, but you still have an at large floating around too.

Una Cornelius: His duties will not be more, he only campaigned at large and he will be elected at large, but his duties will not be more than a single member district.

Rob Bradley: Mr. Watts' is there any potential language that we can add.

Allen Watts: If you goal is to make the salaries as the combined seven county commissioners including the Chair not exceed the current cost of five, and if you also want the Chair to get a salary of the statutory rate for a county commissioner and a county of this population, that would leave four-sevenths, which is roughly 60% of the statutory rate for the other commissioners.

Rob Bradley: In other words, the Chair remains what they make right now and the others will divide up the remaining pot of money and they would be ending up making about 60% of what they are making right now.

Allen Watts: That would come out to about the same amount of salaries that you are now spending on five commissioners.

Rob Bradley: 60% of \$58,000 the other six would make, and the Chair would make \$58,000 right now and would go up reflecting the population.

**Public Comments:**

**Jack Myers**

Orange Park

You have a second in command and I would be interested to see what Volusia County does. He is responsible to everyone and has to answer to everyone in the county; he runs an election for everyone in the county. I think he should get a full commissioner's rate; also, by comparison, I think you are right, around two-thirds or 60% for the single member districts and that would probably work out about right; and ten percent 10% more for the Chairman.

Allen Watts: The initial salary set in Volusia County in 2004 after this amendment was adopted was approximately \$35,000 for everyone except the Chair; the Chair was 20% higher at \$42,000. The statutory rate at that time would have been about \$70,000.

Una Cornelius: My concern is that if we keep it at what the state recommends, where our commissioners are now, they will approve everything to have more growth in this County because that means their pay scale will go higher. Clay County needs to control their growth, so we do need to cap this. If we don't, there is no incentive of stopping the growth in this County. I don't think that we should go by the state's formula because it's getting out of control for Clay County.

Mary Cooperman: If we go by what the state sets up by population the constitutional officers will be rich and the county commissioners will be the dog.

Chairman Cummings: The County Commissioners are part-time.

Rob Bradley: I think that what Larry Arrington said regarding the fact that our evolutionary process from the old days to this model that we are at now, we are moving from the idea that this person is not only a legislator, but an administrator of a department. Now that person; when you move to the charter form of government, that executive's duties is stripped. Now we are moving so that we are more clearly defining the fact that that legislative body acts as a legislative body, and we strengthened the non-interference and it separates it from the chief executive. I think that is a natural part of that evolutionary process that we do revisit the salary question. If this is supposed to be, we want our commissioners to be members of the community who do more than just be a commissioner. It should not be their full-time job. I encourage the concept of the citizen legislator, I think it is healthy. The day-to-day operations are then left to the manager and I think by addressing the salary question, however we end up doing it, I think this strengthens that message that is what we expect from our commissioners; to be legislators. We don't expect them to be down there at 8:30 in the morning and staying until 5:30 in the evening, that is not their job; it is to be the visionaries, focusing on the big picture and setting policy, which is then implemented by the County Manager. I would support a reduction in salaries because I believe that is a fair evolution of our county government.

Karen Lake: When we talk about evolutionary processes in the CRC; when we started nine months ago, we did not have our own attorney and today we have hired our own attorney. We have made recommendations to the next CRC with some things that they can start out with to help them get started faster than we did. I think that as we look at the form of government we are going to adopt, or not adopt tonight, we have to look at that as an evolutionary form model too. I am favor of going in baby steps, in that I would support the salary limitation in some fashion just to move it into the public just so we can say, here it is, we support it, we are not giving it to you in such a way that it is going to cost you any money, or that you are going to find a reason to object to it. Yes, in a perfect world it would be great if we could say send them all out, pay them everything they deserve, pay them the state top. I don't think that we can realistically expect people to accept that right now at this time in history. I am reluctant to put full salaries behind it until I know that they really accept this model and I think that by limiting the salaries in some way we get a chance to see if the public is going to accept this model.

Rob Bradley: If someone is choosing whether to run for office or not on the basis of it being \$58,000, or \$45,000, or whatever; I don't want that person to be running anyway. That would be shocking to me if that actually went into the equation when someone made the decision to run for office. If it does, then I don't want them to be a commissioner.

Roy Lyons: Most people go into the political arena because they feel as though they have something to offer, they want to change. They feel like they can do things for the county and they go in for those reasons. I have been involved with it for 30 years in Clay County and never has one of them talked about the salary. If anything, they talked about if they were elected.

George Espada: Two years ago, gas wasn't \$3.00 a gallon and life insurance cost wasn't this high; the cost of living has gotten very high, very rapidly, and people are getting a second job. If you bring in a commissioner and lower their salary, they are not going to go for that because they have to live on that salary. Looking at base salary versus increase, based on the cost of living; if you are adding two more commissioners the second one will say, "hey I am at large and I need more money regardless of what you say." You say five and two; two at large and five regular – the two at large, one is a Chair and the other is also an at large. The reality is that you have a cost of living to consider.

Ralph Puckhaber: All of the points that have been made tonight I think support this form of government and I think that we are down to simply talking about compensation. I like Jim's idea of a percentage; five-sevenths works out to like 71%. The only thing that I would suggest is getting rid of the five-sevenths and making it 70% and putting a number in there that people recognize. The one thing that is not in here that I think we really have to address is that if you are going to have a permanent chair, they are definitely going to have more duties. They are going to be spending significantly more time, so we have to look at that. Ten percent may not be enough, it may need to be 20%, and we get most of that back in fractions of percentages. The other thing, if 10% is what it takes to get it started, I am happy with ten percent. The only thing I would like to see is the form of government; let's settle on the compensation. To Una's point; in four years the next commission can take this up again with perhaps a whole different approach to salary. If Rob is willing, I would like to amend his motion to 70% of the state salary with a ten percent (10%) bump for the Chair, even if it costs us a few bucks.

Bill Garrison: I lobby for 15% for the Chair.

Rob Bradley: I agree that the Chairman should make more; I think that is a good concept. I would prefer to do it in a manner where we keep this language reducing salaries of commissioners to absorb the salaries of two additional commissioners, and add to that the Chair make 15% more than the other six commissioners.

Allen Watts: Keep in mind that I am going to have to work with this to get it in 75 words.

**Rob Bradley made a motion to amend his previous motion to add language to the ballot question which will be formalized by their attorney that the Chair will make 15% more than the other six commissioners. Roy Lyons seconded the motion, which carried 15-0.**

**Rob Bradley made a motion to place Proposal 4 on the ballot as it is presented, and with the above amendment for consideration by the voters as follows: “Shall Sections 2.2.A and 2.2.C. of the Clay County Charter be amended to provide for a legislative body of seven rather than five county commissioners, consisting of a chair and one commissioner, each elected at large, and five commissioners elected from districts; to specify duties of the chair; to provide for selection of a vice chair, the continuation of term limits, and for reducing salaries of commissioners to absorb the salaries of two additional commissioners; the Chair making 15% more than the other six commissioners. Una Cornelius seconded the motion, which carried 13-2. Michael Q. Rogers and Glenn Oliver dissenting.**

Rob Bradley: You have a pot of money and your reducing salaries of commissioners to absorb the salaries of two additional commissioners; so you have a pot of money where you pay five, which will now be spread out among seven commissioners; one of the at large is the Chair and will make 15% more than the others out of that pot of money.

George Espada: In government, you don't reduce the salary of those who have been voted in.

Allen Watts: These will take affect at the end of the term.

Chairman Cummings: Say you have 290,000; (\$58,000 x 5) split seven ways.

Rob No, it would be split so that six of the commissioners will be making the same thing and the seventh person will be making an amount that is 15% higher than the other six.

Chairman Cummings: I can tell you that the argument that you pay for what you get has its points, but more importantly, whether it be in the public or private sector, a position should be compensated reasonably. It is clear that the Home Rule Charter is most effective with a strong, professional County Manager within the Executive Branch. In all due respect, I do not think that the Charter government structure has been adhered to since its inception. There has not been clear separation of the executive and legislative bodies, along with the necessary checks and balances required with this Charter. For our new County Manager to be most effective, the legislative body (BCC) must stay out of the day-to-day business and focus on policy making decisions. Mr. Arrington said tonight that now that we have a strong professional manager and a

legislative body focused clearly on policy making, then the salary adjustments are justified. I think our proposal is compensating BCC members in a fair and reasonable manner based on the position they are elected to serve in a Charter government. I also don't think \$20,000 a year is fair and reasonable for that position either. If Ms. Palmer and Mr. Bebout (who are here tonight), or some of the other candidates wouldn't run because of the \$40,000 versus the \$58,000, they may not be the person for the job. Our research has shown that citizens do not prefer full-time, career politicians, but rather good, intelligent, civic minded people that have (or have had) professional careers to provide their primary income. Councilman Bob Standifer, who was here earlier, makes \$3,600 for the Town of Orange Park and he is very competent and a good elected official. I think that goes both ways and I think it is important to be noted for what it is worth.

Larry Arrington: Before you vote, I would like to leave you with one thought about how to think about this, about how to maybe describe it to people who ask you what this is like. Here's the thought, there is an old adage that "form follows function", and what that means is the form of government you pick really depends on the function that you want it to perform. What I am hearing you say here is that we want the function of our elected county commissioners to change, we want them to be policy makers, not administrators. So you have gone about the process of bringing in a very professional County Manager, Fritz Behring, and believe me, you have a good one. You also are now changing your form so that your elected officials will be more policy makers and not administrators anymore. That is one thing to think about. The other thing to think about is that the analogy for this is the corporation; the way a good corporation is formed. You have an appointed CEO, you have a part-time policy making Board of Directors, and you have a Chair for the Board. That is what you are doing here. That analogy breaks down in some ways, but by and large, it holds pretty well, and if you explain it to people that way, I think they will be able to understand it because they will be able to relate to it.

Michael Q. Rogers: Do you think that if people think about it in that fashion, when they hear the salary limitations; again, with the corporate orientation, I don't understand that impact when you say to someone who is working in corporate or on the job.

Larry Arrington: You also heard me say that the analogy breaks down in certain areas. I know how corporations are perceived because I am one of those who perceive them that way. As a structure and as a form of organizing that is what you're roughly analogous to. We have a part-time Board of Directors, whose job is to set policy, not to run the corporation. They have a Chair that is there to set vision and direction among themselves. You have a professional CEO, in this case the County Manager who is there to perform the executive function; to that extent, the analogy holds.

The next CRC meeting is scheduled for Monday, July 17, 2006, in the Board of County Commissioners Meeting Room, 4<sup>th</sup> floor of the Administration Building, 477 Houston Street, Green Cove Springs, Florida, and 7:00 p.m.

Chairman Cummings stated that he would place the CRC on the Board of County Commission agenda for a Time Certain July 25, 2006. Mr. Cummings expressed that he would like for all of the CRC members to come if they could and he would try to get a late afternoon time certain.

Further, he thanked the sub-committee for all of their efforts in organizing the final report to present to the BCC.

**Rob Bradley made a motion to approve payment in the amount of \$2,933 to Cobb & Cole, for services rendered to the CRC from Mr. Allen Watts. Mary Cooperman seconded the motion, which carried 15-0.**

Chairman Cummings: I appreciate the media's participation with our work; but, I challenge the media to continue to report on the merits of these proposals because if you will notice, I counted tonight ten citizen's here tonight commenting who come from all walks of life. If you listen to how they articulated their opinions, it is really what this process is all about. So, for negativity to be reported, I think it is a disservice to not only this process, but to the people who came and spoke loud and clear on many issues. I will be speaking to a local government group on these issues and some of the other members will probably be asked to speak to groups as well. It is important to remember that we are a team and if did not vote for one of the proposals; which I did not, the proposal was ultimately approved by the group. Our job is to educate the public and I am going to do so; on what the merits of the proposals are. It is our job to go with the total majority of the vote.

There being no further business the meeting adjourned at 10:05 p.m.

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**Chairman Travis Cummings**

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**Recording Secretary, Ann Mitchell**