

**CHARTER REVIEW COMMISSION  
MINUTES  
Tuesday, January 20, 1998**

The Charter Review Commission met on Tuesday, January 20, 1998, 6:30 p.m. MR-1, County Administration Building. Those in attendance are listed on the attached sign-in log. Those not in attendance were: Dr. Paul Hagen, Diane Melton, Ken Ackis, Mark Taylor and Max Williams.

1. Chairman McDermaid explained that the Commission minutes are recorded with the Clerk's office as part of the county records. The first item of all future agendas will be the approval of past minutes. The Commission unanimously approved all previous minutes with the correction that John Schneider should be Jim E. Schneider.
2. Chairman McDermaid read to the Commission Article 4.2, B. (3) of the Charter, proper procedures for payment of all bills incurred by the Commission.
3. The Charter Commission unanimously approved payment to the Clerk's office in the amount of \$14.00, for copying the Grand Jury Report of 1982.
4. Chairman McDermaid informed the Commission that he personally visited with County Manager Robert M. Wilson and Clerk of the Court John Keene, Wednesday, January 14, 1998. Chairman McDermaid delivered letters to both parties, requesting a feasibility study describing the budget items they would envision being transferred, job positions to be transferred, and a recommended time table for such a transfer, for the Commission's consideration and discussion of the separation of the Clerk of the Court and Comptroller office. At the meeting of January 6, 1998, the Commission received a substantial amount of information from guests, County Manager Bob Wilson and Human Resources Director/County Coordinator Bill Green on various issues the Commission was interested in and considering. Chairman McDermaid, in his meeting with Clerk Keene explained the Commission's goals and in doing so learned a great deal about the Clerk's responsibilities and duties as the Comptroller. Clerk Keene conveyed his support of the Commission's letter of request for a feasibility study of the separation of the Clerk from the Comptroller. Issues discussed were the county budget and the separation of the Clerk's duties. Clerk Keene provided a copy of the 1992 and 1995 County Budgets for the Commission's review. Clerk Keene also expressed his opinion of the separation of duties, informing Chairman McDermaid that as an individual he was not in favor of it; however, as the Clerk of Court he was there to support the Commission. Further, Chairman McDermaid reported that visits with both the County Manager and the Clerk of the Court was profoundly professional, interesting and informative. Further, Chairman McDermaid expressed his opinion on the importance to receive input from the County Manager and the Clerk of Court in order to understand both sides of the issue as the Commission continues to absorb more information and reach their goals in making decisions regarding the Charter.

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O'Dann Richardson inquired how long the feasibility study would take to complete. Chairman McDermaid explained that the letters requested the information by March 1, 1998.

Ronnie Coleman inquired to why Clerk Keene is opposed to the separation of the Clerk and Comptroller. Chairman McDermaid explained that it is the Clerk's opinion the separation of duties weakens his ability to perform the checks and balances of funds (audits and pre-audits). The budget itself has various component elements that deal with three budgets simultaneously. The forward budget that is planned for the next fiscal year, the current budget, and the budget bills are being paid out of. The Clerk also invests county funds to produce revenue and protect insurance programs for retirements, etc.

Bill Jameson inquired if Clerk Keene addressed the issue of funds being withheld from the Sheriff's office. Chairman McDermaid explained that Clerk Keene did not express his feelings on this issue. Further, Mr. Jameson stated that he believes when a system allows any individual to cut off funds without working out necessary details first, the county's security becomes jeopardized. This is a problem for the county and needs to be corrected. It doesn't matter who is right or wrong, this issue needs to be corrected.

Tigger Megonegal suggested that the Commission focus on what is best for the county and not side with personalities.

Marvin Wilhite stated that some 30 - 40 years ago, on numerous occasions, Clerk Carlise had to put his foot down with the Commission because he felt they were over-stepping their budget confines and funds were not appropriated. The past Clerk position have been, "I have the funds and you can not spend it", holding the purse strings and handling the funds of the Commission. Mr. Wilhite continued that an independent individual is needed to be responsible for the funds, separate from the County Commission to be sure they are using funds appropriately. This individual should be responsible for the Commission's funds and would inform the Board where they stand with their finances.

Danny Hamilton stated the Board of County Commissioners are elected officials and can be held accountable to all of the voters. Jim Schneider stated the responsibility of funds would be in the Comptroller's position.

O'Dann Richardson explained that he had discussed the separation of the Clerk of the Court and Comptroller duties with his friends and they informed him they considered it not a good idea, in that it would permit the Board of County Commissioners to have too much power and control with their funds. Further, Mr. Richardson stated his opposition with creating another elected position as an auditor; thus adding another layer of government.

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Dr. Clive Rayner stated that it appeared to be the general consensus of this Commission some form of supervision with the County Commission's funds is necessary to assure they would not overspend. The Commission should determine if that supervision should be the Comptrollers responsibility. Further, the problem with the Clerk of Court having this responsibility, is that the Clerk may be in a position to set policies as well as controlling funds. It is not the Clerk's responsibility to set policies of how funds are to be handled, only to ensure the funds are used and expended properly.

Chairman McDermaid stated that if the results of the feasibility study produce an outlook that shows consolidation, saving money, operating the county more efficiently, and complying with the checks and balances, then it should be presented to the public for a vote.

Nancy Keating voiced her opinion by saying that the issue of the separation of the Clerk and Comptroller was not a new subject. The first Charter Review Commission discussed the separation and appears to be more pronounced now because of the issues facing this Commission.

Chairman McDermaid requested John Keene, Clerk of the Court, be invited as a guest at the next Commission meeting. **The Commission unanimously agreed.**

Further, Chairman McDermaid suggested that all elected officials should eventually be invited to a meeting until all of them have been heard. The value of each constitutional officer explaining what the function is of their office and how it interfaces with the county government would be enlightening in helping the Commission to understanding government as a whole.

Danny Hamilton stated that he understood why the Clerk and the Supervisor of Elections should give a brief to the Commission, but not the Sheriff.

Bill Jameson stated that he was interested in hearing what the Sheriff had to say about the issue of his funds being cut off.

Jim Schneider stated that constitutional officers are part of the entire county government and having all of them come as a guest would enlighten the Commission of problems and if there are changes to be made.

Nancy Keating stated that public is hearing there are problems in the Clerk's office. If the Commission does not answer that issue before we present it to the citizens of the county, then we have not done our job. Time must be dedicated to the Clerk's office, so that the citizens in this community have foresight of what was learned during our commission. Other elected

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officials are just as important, in that they will tell how the Charter government is working in Clay County.

Tigger Megonegal stated that she wanted to be able to tell everyone that this Commission honestly had in-depth discussions of important issues.

Dr. Clive Rayner volunteered to do a tentative, one-page calendar for the Commission, indicating critical time-frames and dates to be aware of to stay on track of the mission.

Danny Hamilton reported to the Commission that as his responsibility to contact Volusia County, he had spoken with Budget Officer Richard Kelton, and discussed with him how Volusia County was adjusting under the new charter form of government. Mr. Kelton informed Danny that he felt there were no disadvantages of separating the duties of the Clerk and Comptroller and felt there were only advantages. Those advantages being; 1) not two elected officials pitting against each other, (siting Seminole County where the County Commissioners were trying to get something passed and the Clerk was saying no, explaining this would be eliminated); 2) the consolidation of bank accounts save money and government would run smoother; 3) maximizing investment returns by having one person instead of two; 4) the County Commission hires the County Manager, who in turn hires the Comptroller and is responsible to the County Manager. The Comptroller position serves at the pleasure of the County Manager, as does the County Manager to the County Commission.

Ron Coleman reported that as his responsibility to contact Oseola County, he had spoke with County Administrator William Goaziou, who echoed very much the same sentiments as the Budget Officer in Volusia County. Oseola County runs on the same basis as Volusia County and Mr. Goaziau saw an advantage of separating the Clerk from the Comptroller in that the separation of manpower was influential and with appointed offices, there was no potential for head-butting. The Comptroller reports to the County Administrator.

Chairman McDermaid suggested the continuation of reviewing the Charter and revisiting areas that were tabled or revisited at the December 8, 1997 meeting. After discussion and review, the following revisions/changes were made:

**Legislative Branch**

**Section 2.2 A. County Commission Revisit**

**After discussion the Commission unanimously agreed there were no changes or revisions to be made.**

**Section 2.2 E. Administrative Code Revisit**

**After discussion the Commission unanimously agreed there were no changes or revisions to be made.**

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**F. Vacancies Revisit**

After discussion the Commission unanimously agreed there were no changes or revisions to be made. The explanation of "general law" was defined by County Attorney Mark Scruby.

**G. Recall Revisit**

After discussion the Commission unanimously agreed that further information was necessary as this relates to "general law" in accordance with the State of Florida. The Commission unanimously agreed to REVISIT this again after getting clarification from the Clerk, Supervisor of Elections and County Attorney.

**H. Initiative Revisit**

**1. & 2.**

The Commission unanimously agreed to TABLE, H. Initiative, items 1. and 2. until the Supervisor of Elections could give them more information.

**Section 2.3 Executive Branch**

- A. 1. County Manager
- b. revisit
- e. revisit

After discussion the Commission unanimously agreed there were no changes/revisions to be made.

**Article III Elected County Constitutional Offices Tabled**

After discussion the Commission unanimously agreed there are no changes/revisions to be made.

**Article IV Home Rule Charter Transition**

**C.**

After discussion the Commission unanimously agreed there are no changes/revisions to be made.

**Section 4.2 Home Rule Charter Amendments**

- A. Amendments Proposed by Petition
- 1. & 2.

After discussion, the Commission unanimously agreed to TABLE this section for further discussion until Barbara Kirkman, Supervisor of Elections could clarify concerns.

**5. Commission comments and continuation of the Charter Review process.**

Chairman McDermaid asked the Commission if there were any further questions on the Charter.

O'Dann Richardson stated that he was adamantly opposed to term limits, in that there was already four year term limits established.

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Danny Hamilton stated that he was adamantly in favor of term limits for all elected officials, state and local.

Jim Schneider stated that term limits are established by elections every four years and if we have enough confidence in the voters to not elect an incumbent, we should have enough confidence in the voter to decide on term limits.

Danny Hamilton stated that if term limits for county officials should be placed on a ballot, those officials currently in office that wish to run again in the 2000 election, would have eight years thereafter to serve. They would not be effected by the change if it was approved by the voters.

Tigger Megonegal stated that she likes Sheriff Lancaster and would not want him to have a two term limit.

Marvin Wilhite stated that he voted for state representatives and senators to have term limits; however, does not agree that county officials should have term limits.

Danny Hamilton quoted a statement by Commissioner Larry Lancaster published in the local newspaper referencing the poker issue, "All of us have the right to be heard and the right to a public hearing". Mr. Hamilton expressed his opinion that this is true for term limits as well, and voters have the right to vote on issues such as term limits.

Chairman McDermaid stated that discussion of term limits, will be continued as a future agenda item after the visits from Clerk of the Court John Keene and Supervisor of Elections Barbara Kirkman.

**Chairman McDermaid summarized for the Commission issues to be discussed and researched further: 1) requirement for 10% of qualified voters from 3 of 5 districts required to petition for adding/amending/repealing an ordinance, 2) separation of the Clerk of Court and Comptroller, 3) term limits of elected officials, 4) an amendment for recall of Constitutional Officers not addressed in the Charter.**

**Public Comments:**

Harold Reimer stated that he had followed the discussions of the previous Charter Commission and it was his opinion they had decided voters should not vote on various issues and did not appreciate the approach at all. A Charter Review Commission does not change the charter, they only decide what they believe the voters would want to change. Mr. Reimer requested that this Commission set aside personal preferences and concentrate on what the voters should be able to vote on. On the subject of "recall by petition", Mr. Reimer stated that only qualified electors and registered voters can sign petitions, in that everyone does not register to vote and not all of the registered voters do vote. Mr. Reimer read to the Commission from the Florida Constitution,

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that when not otherwise provided by County Charter or Special Law approved by the vote of the electors, the Clerk of the Circuit Court shall be ex-officio Clerk of the Board of County Commissioners, custodian of all county funds and recorder. This was not established to be combined, it is only combined now because no one has done anything to make it different. Florida Statutes, Ch. 129.025, states, "The Legislature finds that the duties of the county budget officer does not fall within the constitutional responsibilities performed by the civil clerks of the circuit court as owner and custodian of county funds". Mr. Reimer stated that the Commission should consider this and look beyond personalities and the long range of the county. Another issue this Commission may consider is whether or not to elect the Board of County Commissioners at-large or by district. Mr. Reimer inquired if the Commission is considering the recall of all Constitutional Officers, further, the Charter only refers to the Board of County Commissioners.

Chairman McDermaid stated that our Charter specifically says that we do not have powers over the Constitutional officers.

Dr. Clive Rayner stated that he was confused because he thought that we already have the ability to recall all of the elected officials except for the Clerk of Court.

Danny Hamilton replied that only the governor can recall officials by referendum.

Dr. Clive Rayner stated that he believed all elected officials are subject to recall and the Commission should get an opinion of this.

Danny Hamilton stated from the Florida Statutes, Recall 100.361, "Who are the elected officials affected by the recall statute? Members of the governing body of citizens of cities and charter counties including the mayor, city councilmen and commissioners and the county commissioners of a charter county. Officials such as school board members are not covered by recall because they are not members of the governing body of the municipality or charter county. Further, it states that a municipality or a charter county may be removed from office by the electors or the municipality or district.

Jim Schneider stated that nothing in that states we could not expand on this issue and the Commission should get an opinion and clarification of recall.

Chairman McDermaid requested that Danny Hamilton contact County Attorney Mark Scruby for more information or explanation of the recall in the State of Florida and recall as it is in the Charter, to bring it back to the Commission for discussion and review.

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George Reimer stated that in the Charter 2.2G - Recall only mentions the Board of County Commissioners. We have read from the statutes that all constitutional officers are subject to recall. Why are only the Board of County Commissioners mentioned in the charter and could all constitutional officers be included?

Danny Hamilton requested that Ann Mitchell bring copies of the Florida Recall to the next meeting for the Commission's review.

Chairman McDermaid explained that this Commission is a starter Charter, as many of the other Charter Counties were. We do not have years of history behind us and our mission is an evolutionary process. It does say in our charter that it only protects the Board of County Commissioners and does not allow us to deal with the constitutional officers. Our Commission would have to research and discuss the issue of recall to propose an amendment for the referendum.

Jim Schneider stated that it was required to have 10 % of voters from 3 out of five districts to amend the charter. General law says in a municipality or district of 25,000 or more registered voters, the petition shall be signed by at least 1000 electors or 5% of the total number of registered voters, which ever is greater. This is for a recall petition. The recall petition is even more serious than the Charter's recall.

O'Dann Richardson inquired if the Commission recommended an amendment, who approves it to get it on the ballot. The Commission informed Mr. Richardson that the majority vote of the Commission is all that is necessary.

The next meeting is scheduled for the **Monday, February 2, 1998, 6:30 p.m., CRB, 4th floor of the Administration Building.** Jim Schneider volunteered to inquire if the Orange Park Library would be available for meetings and report back to Chairman as soon as possible.

The second meeting of February is scheduled for **Tuesday, February 17, 1998, 6:30 p.m., MR1, 1st floor of the Administration Building.**

There being no further business, the meeting adjourned at 8:45 p.m.

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Steven W. McDermaid, Chairman

  
Ann Mitchell, Recording Secretary

**CHARTER REVIEW COMMISSION  
AGENDA  
Tuesday, January 20, 1998**

- 1. Approval of all past minutes**
- 2. Discussion of Charter Review Expenses, Article 4.2, B. (3)**
- 3. Approval of bills**
- 4. Discussion of letters sent to Robert M. Wilson and Clerk Keene**
- 5. Commission comments and continuing Charter Review process**
- 6. Public comments**
- 7. Meeting location discussion**

January 22, 1998

Mrs Barbara Kirkman  
Supervisor of Elections

Dear Barbara

Thank you for being able to speak to us on the 17th of February. The Clay County Charter Review Commission is a dynamic group of individuals who are very interested in Clay County government and it's charter. We are most pleased you can join us and look forward to learning about the role of the Supervisor of Elections and discussing our issues with you.

As a follow up to our phone call and to assist you in preparing for your visit, I would like to offer the following list of areas we are interested in. They are not in any particular order, but more a recap of our phone conversation.

An overview of the voting process in Clay County and the organization and functions of the Supervisor of Elections Office. The tour of your offices and description of the new voting equipment would be most appreciated.

Concerning the Clay County Charter, we would like to discuss the pros and cons of the requirement for 10% of qualified voters from 3 of 5 districts required to petition for adding / amending / repealing an ordinance. This information refers to Article Two, Sec 2.2: H, para (1) and (2). The same percentage issue is also found in the area of home rule charter amendments. This information refers to Article Four, Sec 4.2: A, para (1) and (2). Para (2) actually discusses the verification of signatures. This is an area we are also interested in.

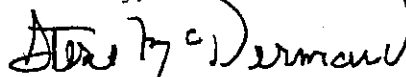
We would appreciate information on absentee ballots and how they are counted and used in the election process.

The issue of recall of constitutional officers as a possible ordinance addition to the charter has been proposed by a member of the public for our commission to look at. We would appreciate your thoughts although this is probably more of a matter for the County Attorney.

The area of term limits has been proposed for us to look at and we would appreciate your thoughts here also.

Finally, any information or comments you would like to provide concerning process improvement for the county or our commission would be welcome. Your suggestion about meeting in your office spaces and viewing the new voting equipment is a great idea. I hope we can do this. It will be very good for the commission. If you feel any other members of your staff should attend we would be pleased to welcome them also. Thanks again for supporting us and I look forward to seeing you on the 17th.

Sincerely,

A handwritten signature in black ink that reads "Steve McDermaid". The signature is written in a cursive style with a large, sweeping flourish over the "e" in "Dermaid".

Steve McDermaid

Chairman, Charter Review Commission

The Honorable John Keen  
Clerk of the Circuit Court

Thursday, January 22, 1998

Dear Mr Keen

Thank you for being able to speak to us on the second of February. I think you will find this Charter Review Commission an exceptional group of individuals who are very interested in Clay County government and it's charter. We are most pleased you can join us and look forward to learning more about the many and diverse duties of the Clerk of the Circuit Court and discussing our issues with you.

To assist in preparing for your visit with us, I have taken the liberty to propose the following list of agenda items we are interested in. Discussion in these areas will add significantly to our understanding and enable us to make better decisions.

A discussion of the clerks office, organization chart, functions and duties. The background information you gave to me to read after my last visit was most informative. Your March 7, 1994 brief to the previous commission and the September 23, 1997 brief prepared by Mr Jerry Greeson would be the kind of material that would be very useful to the commission.

A discussion of the county budget process as it relates to funding the various officials and organizations. For example how the Constitutional Officers are funded and how the county budget is administered through the County Manager.

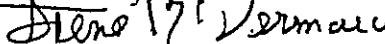
A discussion of checks and balances, audits and internal controls.

A discussion of our letter request concerning the separation of the clerks comptroller duties. We would like to discuss the pros and cons concerning the tails involved with job positions, time schedules, facilities required, computer and administrative support required, budget implications etc.

A discussion of process improvement and cost benefit analysis that would help us find ways to provide for better delivery of services to the county. Some areas we are looking at as a commission are term limits, recall of constitutional officers and the charter, and voter percentages required for a petition or charter amendment. We would appreciate your thoughts and any guidance you can offer here.

Again thank you for having the time to spend with us. If you feel any other members of your staff should attend we would also welcome them. We look forward to seeing you on the second.

Sincerely



Steve McDermaid

Chairman, Charter Review Commission

January 7, 1998

Honorable John Keene Clerk of the Court  
P.O. Box 1366  
Green Cove Springs FL 32043

Dear Clerk Keene:

The Clay County Charter Review Commission was reconvened November 17, 1997 as per Charter guidelines. As part of the Commission's consideration and discussion of issues relating to the Clay County Charter, a resolution was taken to pursue investigation of separation of the present Clerk of the Court and Comptroller office functions into two offices. The first function would be an elected Clerk of the Court with recording functions and the second would be a new appointed Comptroller under the County Manager office, the Board of County Commissioners, or a combination of both with functions of auditor, custodian and Clerk of the Board of County Commissioners.

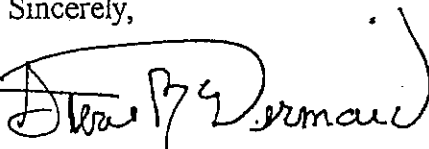
Would you please provide our commission with a feasibility study describing the budget items you would envision being transferred, job positions to be transferred, and a recommended time table for such a transfer. A similar request has also been presented to Bob Wilson, County Manager.

Any other information you feel would benefit us in our discussion of this issue would be considered and greatly appreciated. If possible could this information or interim information be provided prior to the first of March.

At your convenience we would welcome the opportunity to have you address the Commission in person.

Thank you in advance for your assistance.

Sincerely,

  
Steve McDermaid  
Chairman, Charter Review Commission

January 7, 1998

Robert M. Wilson, County Manager  
P.O. Box 1366  
Green Cove Springs FL 32043

Dear Mr. Wilson:

The Clay County Charter Review Commission was reconvened November 17, 1997 as per Charter guidelines. As part of the Commission's consideration and discussion of issues relating to the Clay County Charter, a resolution was taken to pursue investigation of separation of the present Clerk of the Court and Comptroller office functions into two offices. The first function would be an elected Clerk of the Court with recording functions and the second would be a new appointed Comptroller under the County Manager office, the Board of County Commissioners, or a combination of both with functions of auditor, custodian and Clerk of the Board of County Commissioners.

Would you please provide our commission with a feasibility study describing the budget items you would envision being transferred, job positions to be transferred, and a recommended time table for such a transfer. A similar request has also been presented to John Keene, Clerk of the Court.

Any other information you feel would benefit us in our discussion of this issue would be considered and greatly appreciated. If possible could this information or interim information be provided prior to the first of March.

Thank you in advance for your assistance.

Sincerely,



Steve McDermaid

Chairman, Charter Review Commission

CHARTER REVIEW COMMISSION  
SIGN-IN LOG

DATE: January 20, 1998

TIME: 6:30 p.m.

NAME	DEPARTMENT
STEVE McDERMID	
Danny Hamilton	
RONALD COLEMAN	
Clive Rayner	
W. L. Jameson	
Tigger Mesonogal	
OLAV RICHARDSON	
MARVIN WILHITE	
NANCY C. KEATING	
JAMES E. SCHNEIDER	