

**CHARTER REVIEW COMMISSION
MINUTES
Tuesday, February 17, 1998**

The Charter Review Commission met on Tuesday, February 17, 1998, 6:30 p.m., Supervisor of Elections Office, 4th floor, Administration Building. Those in attendance are listed on the attached sign-in log. Those not in attendance were: Max Williams, Ken Ackis, Marvin Wilhite, Paul Hagen, Dr. Clive Rayner, Tigger Megonegal, Mark Taylor, O'Dann Richardson and Diane Melton.

Minutes of the February 2, 1998 Charter Review Commission meeting was not approved because there were not enough members present for a quorum.

Chairman McDermaid introduced Barbara Kirkman Supervisor of Elections who explained to the Commission that the Supervisor of Elections is the official custodian of the books of registration with exclusive control of matters pertaining to registration of electors. All revenues and expenditures are accounted for within the Board of County Commissioners financial activities. Financial operations are accounted for on a modified accrual basis. The Supervisor of Elections is the chief elections officer and is vested with the responsibility and the duty to obtain and maintain uniformity in the application, operation, and interpretation of the election code, Florida Statutes Chapters 97-106, Administrative Rules of the Department of State/Division of Elections, as well as Federal Laws and local City Charters relating to election laws. The Supervisor of Elections budget is administered out of the Board of County Commissioners general fund. This account provides the funds for the Supervisor's expenses.

Supervisor of Elections staff members Rosa Wright, Pam Buckhalter, and Kathy Smith attended the Commission meeting to assist Ms. Kirkman with demonstrations of equipment and explanation of the Supervisor of Elections office functions.

Ms. Kirkman informed the Charter Commission that the Supervisor of Elections office is reaching out to all citizens of Clay County, young and old, by promoting Community Projects to potential voters and educating school age children on the importance of voting. Educational projects the Elections office have implemented are: a school enrichment poster contest presenting new voting equipment at the Clay County Fair for students to vote on the posters from their schools, Clay Electric sponsored coloring books that provide young people facts about voting, and the Junior Election Board that created the Supervisor of Elections newsletter, "Voice of the Eagle".

Supervisor of Elections Barbara Kirkman and staff members gave an informative tour of their office, demonstrating their new elections software, explaining the procedures for verification of petitions and signatures, and demonstrating "The Eagle", the new voting machine, and the new optic, high-speed, absentee ballot counter.

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Ms. Wright gave a lengthy detailed explanation of the procedures for handling absentee ballots.

Regarding the subject of recall of elected officials, Ms. Wright explained that after lengthy research, it was the opinion of the Supervisor of Elections office that Florida Statutes Chapter 100.361 does not provide for recall of Constitutional Officers and the Supervisor of Elections office is limited in providing more information to the Charter Review Commission on this issue.

Ms. Kirkman stated that she was not opposed with the Charter Review Commission's decision to include Constitutional Officers for recall in our local Charter and feels that if an elected official is not doing the job the people elected them to do, they should be recalled. Ms. Kirkman also stated that the recall guidelines should not be made too easy.

Ms. Wright presented and explained several informative fact sheets to the Charter Review Commission in great detail that included a question and answer comparison sheet about the Charter/State Initiative Petitions, recall petition, recall petition for the governing body, 1997-98 initiative petition requirements for Home Rule Charter, initiative proposing county ordinance, initiative proposing charter amendment, multiple county comparison of initiative petitions and different types of petitions and time lines. **Note: All information fact sheets distributed by the Supervisor of Elections office will be given to those not in attendance at the next meeting.**

Ms. Kirkman provided an initiative petition synopsis comparing Clay County to four (4) other Charter counties in the State of Florida, focusing on initiative petitions for ordinances and Charter amendments. Ms. Kirkman stated there is a difference in the number of petitions needed in some counties that require a percentage of votes cast, and others which require percentage of qualified voters. Qualified voters require more petitions and Clay County has the highest percentage required for petitions and the shortest length of time to gather them.

Regarding term limits, Ms. Kirkman stated that she believed there should be term limits as it is extremely difficult for a new candidate to run against an incumbent. Term limits would eliminate this and suggested that eight years was enough and definitely not more than 12 years.

Chairman McDermaid thanked Ms. Kirkman and her staff for their time and effort for an outstanding presentation of their office duties.

Regarding the inquiries to other Charter counties and their provisions for recall of elected officials, Ron Coleman's research resulted in nine of the 17 counties he contacted had recall for County Commissioners only, Sarasota County recalling the County Commission with additional others provision (Elected Charter Officers and the County Administrator by petition of 10% of

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the electors). Pinellas and Volusia County do not have a recall provision. Counties that provide a provision for recall of only County Commissioners only are: Alachua, Broward, Clay, Charlotte, Hillsboro, Orange, Palm Beach, Seminole and Marion. Further, Mr. Coleman stated that none of the counties were concerned with the recall issue and were satisfied with their current provisions and requested that he contact Sarasota County again to inquire how their provision for of Elected Charter officers and the County Administrator by petition of 10% of the electors is working, to bring back to the Commission at the next meeting.

Danny Hamilton stated that he has read the Charter many times and on page 1, Section 1.3 Relation of State Law, "The provision of this Home Rule Charter are not intended, and shall not be construed, to conflict with the constitution of the State of Florida, general law or special law approved by the electorate". Recall, in his opinion would be a conflict in this section with anyone other than the County Commission, they are the only governing body of Clay County. Chairman McDermaid stated that the Commission would need to receive further input on this subject from County Attorney Mark Scruby, in that this issue is so complex. The Commission further discussed recall with Danny Hamilton citing from Article III, Elected County Constitutional offices, Section 3.1, Elected County Constitutional Offices, "The offices of the Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections, shall remain as an elected constitutional offices and the powers, duties and functions shall not be altered by this Home Rule Charter. The Constitutional offices shall perform their executive and administrative functions as specified by law. Mr. Hamilton stated that the only officials directly affected by recall is the County's Legislative office, the Board of County Commissioners. Chairman McDermaid said that all of the above mentioned issues will have to be addressed by voting.

For the record, Chairman McDermaid presented two letters to the Commission. The first letter is from Dr. Clive Rayner, who could not be present but requested his letter be introduced for the record, which refers to a 16 million dollar shortfall of a past budget. Mr. McDermaid explained to the Commission that he had discussed this issue with County Attorney Mark Scruby and feels that all of the facts pertaining to this issue have not been presented in Dr. Rayner's letter. The short fall of the budget he refers to is accumulative errors brought in from past budgets over a long period of time, and it was the Clerk of the Court that found the error when a cash audit was done, (letter will be provided to those not in attendance at the next meeting and will be discussed further). The second letter presented to the Commission for the record was from Mr. David King, Esquire, one of the references given by Clerk Keene, **(letter to be provided to those not in attendance at the next meeting).**

Chairman McDermaid informed the Commission that Mark Taylor, not in attendance, had called him and requested that he ask the Supervisor of Elections if there was any value in knowing

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what contributions were given to the candidates. Supervisor of Elections Barbara Kirkman informed the Commission that there is a black box located at the front of the Elections office that contains all candidate financial recordings, (which is their financial contributions) and those records are public.

Chairman McDermaid stated that he has been invited to be a guest speaker at the Republican's Men Group in March, as the Chairman of the Charter Review Commission and has recently been introduced at a luncheon held at the Lion's Club in Orange Park. Mr. McDermaid encouraged all Charter members to publicize our Commission and encourage all citizens in the community to attend our meetings.

Chairman McDermaid informed the Commission that he spoke with Chairman Commissioner Patrick D. McGovern last week inquiring if he felt that an invitation to the Board of County Commissioners, Tax Collector and Property Appraiser to attend a future Charter meeting be appropriate. Chairman Commissioner McGovern responding with positive interest. Mr. McDermaid said that he would draft an invitation letter, including the four issues the Commission is discussing, along with meeting schedules, and contact the Property Appraiser and the Tax Collector to see if they are interested in attending one of our meetings. Jim Schneider stated that the input of the Legislative branch, the governing body of our County, would be most beneficial to the Commission. Bill Jameson and Jim Schneider agreed.

Public Comments:

Harold Rymer informed the Charter Commission that he was bragging about them to any organization or citizen that would listen and has announced their meetings to bring the public to the meetings.

Danny Hamilton invited the Commission to attend the Republican Men of Clay County's monthly meeting on February 25, 1998, 7:00 p.m., Best Western in Orange Park. Sheriff Scott Lancaster will be the guest speaker for the month.

The next meeting is scheduled for **MONDAY, MARCH 2, 1998, 6:30 p.m., 4th floor of the administration building.** Future locations to be discussed at the next meeting.

There being no further business, the meeting adjourned at 9:35 p.m.

Chairman Steven D. McDermaid


Ann Mitchell, Recording Secretary