

Thursday, February 19, 1989

BARBARA KIRKMAN
Supervisor of Elections
Clay County, Florida

Dear Barbara

On behalf of the entire Charter Review Commission, I wish to express our most sincere appreciation for your presentation to us on Tuesday evening. This was one of the most informative and useful sessions we have had to date. It was very evident you and your staff had devoted many hours in preparation for our visit. Thank you for taking the time to be so thorough and addressing all of our questions and concerns. We all gained a much better understanding of the challenging role of the Supervisor of Elections.

Please pass on our "WELL DONE" and appreciation to Rosa, Kathy and Pam for their contributions to the success of our evening. You have a first class winning team. It is really appreciated that they could also take their time to be with us. It is good to know the needs of the Clay County voters are in such good hands and so well taken care of. The demonstration of the new voting equipment was an added bonus. This equipment should be a great improvement for the voting process in the next election. We could see why you and your staff are so excited and proud for quality customer service you provide.

Again, thank you for your superb personal preparation for our visit. Your insightful observations and frank discussion of all of our issues meant a lot to the commission. This will serve us well as we continue in our review of the charter. We all look forward to seeing you and your staff again soon.

Sincerely

Steve McDermaid
Chairman, Charter Review Commission

**CHARTER REVIEW COMMISSION
MINUTES**

Monday, March 2, 1998
4th floor, Administration Building, 6:30 p.m.

The Charter Review Commission met on Monday, March 2, 1998, 6:30 p.m., CRB, 4th floor, Administration Building. Those in attendance are listed on the attached sign-in log. Those not in attendance were: Ron Coleman and Ken Ackis.

1. Minutes of the February 2, 1998 minutes were approved (13-0) with the following addition to John Keene's presentation: Mr. Keene stated that moving the finance function from one elected official to another would not accomplish anything, as this would not change the system. "The system is operated according to the law. There are laws to follow and procedures and audits that can be done just as well, or just as poorly in one office as in another. It should not change the system because it is not broken. If the problem is with the elected official, then change the elected official and not the system. I can assure you the elected Clerk will change, because I will not seek re-election for Clerk of the Circuit Court".

Minutes of the February 17, 1998 minutes were unanimously approved (13-0).

2. Chairman McDermaid encouraged the Commission to review all of the informative comparisons and descriptions Barbara Kirkman Supervisor of Elections provided at her presentation concerning issues of recall, initiative petitions and term limits.

3. Chairman McDermaid informed the Commission that recall, separation of the Clerk's duties, initiative petitions and term limits will remain on all future agendas until a decision has been made if they will be pursued or eliminated.

3.1 Regarding recall, Max Williams stated that it was his opinion that the Commission must determine one of three issues concerning recall; 1) eliminate recall from the Charter, 2) leave recall as it is in the Charter, or 3) move forward and change the Charter to include all Constitutional Officers. Mr. Williams stated that according to the 1987 House of Representatives, Recall in Florida, Charter counties do have the right to add Constitutional Officers to the recall statutes. Question #2 of Recall in Florida, "Who are the elected officials affected by the recall statute? Members of the "governing bodies" of cities and charter counties include the mayor, city councilmen or commissioners, and the county commissioners of a charter county. Officials such as school board members are not covered by the recall statute because they are not members of the governing body of the municipality or charter county. Question #7 of Recall in Florida, Are any other elected officials in Florida subject to being removed from office through a recall procedure? No. Some states do provide for removal from office by recall for other of their elected officials, but Florida only provides for removal of the officials referenced in Question **number 2.**" Mr. Williams stated that if the Charter wants recall to be effective in Clay County, it must be addressed in the Charter, otherwise it is handled through the State.

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Mr. Williams presented to the Commission his proposed revised draft of Section G. Recall of the Clay County Charter:

G. Recall: Constitutional Offices of the Members of the Board of County Commissioners, the Sheriff, the Tax Collector, the Property Appraiser, the Supervisor of Elections and the Clerk of the Circuit Court shall be subject to recall as provided by general law.

Danny Hamilton stated that he had a problem with the last two words of the draft, "general law", in that "general law" would refer back to Florida Statute, 100.61, requiring the full vote of the Florida Senate.

Max Williams stated that he was not going to include "general law" in his draft, but used the term accordingly, as it was used in the Charter for County Commissioners.

O'Dann Richardson inquired as to what constituted the interest of the Commission to address recall. Mr. Richardson does not remember any incident in Clay County where recall was necessary to remove an elected official from office. The Commission reminded Mr. Richardson that the Charter was reviewed section by section and recall was set aside for discussion.

Jim Schneider stated that there appears to be a loop-hole in the Charter in that there are no provisions in the current Clay County Charter for recall of Constitutional Officers and feels one should be implemented.

Chairman McDermaid stated that County Attorney Mark Scruby is available to assist the Commission with the legalities and drafting of proposals for any of the four issues the Charter Commission is considering to present to the public.

Motion made by Marvin Whilhite requesting County Attorney Mark Scruby provide to the Charter Review Commission, the necessary legal verbiage for a revised draft of Section G. Recall, of the Charter, to include all elected officials, including the Sheriff, the Tax Collector, the Property Appraiser, the Supervisor of Elections, the Clerk of the Circuit Court, and County Commissioners, this draft to be voted on by the Charter Review Commission for the purpose of presenting it to a public hearing for discussion. Seconded by O'Dann Richardson. After discussion, the motion carried 13-0.

Chairman McDermaid stated that he will invite Mr. Scruby to attend the next Charter meeting.

3.2. Separation of the Clerks Duties

Chairman McDermaid passed out copies of a description of a budget variance provided by Clerk Keene, in his response to the mentioned 16 million budget shortfall of 1993/94 in Dr. Clive

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Rayner's letter to the Charter Commission. Dr. Rayner explained to the Commission that the purpose of his letter was not to pursue the issue of a budget shortfall, but to recognize that an invitation was given for the purpose of explaining the Clerk of Court functions and duties, not to defend or promote themselves as individuals.

Chairman McDermaid passed out a chart he comprised from the information the Clerk and County Manager provided to the Commission regarding the separation of the Clerk of Court duties. The chart was simply a worksheet to review the different facets involved with the separation of the Clerk's duties and to understand there would be costs incurred with the separation.

Max Williams asked if costs was an issue the Charter Commission should be focusing on. If the separation of the Clerk's duties serves the County best, then why should the Charter be concerned with the costs involved. Chairman McDermaid stated that Mr. Williams made a good point and the information he provided on the worksheet was only to show what costs could be incurred.

O'Dann Richardson made a motion for the Charter Review Commission to consider moving forward with the separation of the functions of the Clerk of the Court. Seconded by Max Williams. After discussion Mr. Richardson amended his motion for the Charter Review Commission to move forward with the separation of the functions of the Clerk of the Court. Mr. Williams accepted the amendment, and the motion carried 13-0.

Chairman McDermaid stated that he would discuss this motion with County Attorney Mark Scruby and request that he begin to draft the language necessary for the Commission to vote on at the next Commission meeting, and begin the process of bringing this issue to the public.

O'Dann Richardson inquired if the Commission would determine how the finance officer would be hired, if under the Board of County Commissioners or the County Manager. Mr. Richardson was also concerned with who would appoint the internal auditor, external auditor, and the independent auditor. Max Williams stated that the Commission should address the jobs the same way the County Administrator and the County Attorney's functions are addressed in the Charter.

Chairman McDermaid stated that the key issue of the separation of the Clerk's duties is that the Commission must be comfortable with all of the checks and balances and doing what is in the best interest of the County.

Clive Rayner stated that there is a limit to the number of words permitted for the ballot and the Commission should be concerned with one paragraph. There are two main issues that need to be addressed concerning the separation of the Clerk duties. Will the finance officer be "elected" or

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"appointed", and will the finance officer report to the County Manager or to the County Commissioners.

Chairman McDermaid stated that the County Manager is the budget officer for Clay County. The County Manager prepares the budget, but does not have the funds to operate with. Clive Rayner inquired what the County Manager's opinion was of the separation of the Clerk's duties. Chairman McDermaid stated that the County Manager would like the functions to be under the County Manager and would accept those responsibilities without any hesitation.

Max Williams stated that the draft proposal for the separation of the Clerk's duties should be done in two proposals for review, 1) draft with the finance position reporting to the County Manager and 2) draft with the finance position reporting to the County Commissioners, with a description of the benefits of each from County Attorney, Mark Scruby.

3.3. Regarding initiative petitions, Chairman McDermaid stated that Barbara Kirkman Supervisor of Elections gave an excellent explanation of initiative petitions and the difficulties of getting the required signatures within the 120 day time limit. Ms. Kirkman provided a comparison chart, with the break down of several counties. Clay County has the shortest time-frame to obtain the signatures and the percentage required of qualified voters is too difficult, because it requires the percentage to be from registered voters and not those that cast their vote.

After lengthy discussion concerning the issues of initiative petitions, Chairman McDermaid asked the Commission if they were in favor of considering initiative petitions as an issue and move forward in preparing a proposal draft to present to the public.

Jim Schneider made the motion to amend Section 4.2: A., Amendments proposed by Petition, Regarding Section (1), to rewrite the portion of the Charter that refers to the number of qualified elector signatures for a valid petition must equal at least ten percent (10%) of the number of people that cast votes in the last general election. The qualified elector signatures requirement be eliminated. Regarding Section (3), 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. Bill Jameson 2nd the motion. After discussion, motion carried 13-0.

Marvin Wilhite stated if there was a turn-out of 20 to 30,000 voters, 10 percent would be small. Jim Schneider suggested Mark Scruby County Attorney define "general election". The Commission could change the verbiage to presidential election in the proposal if we do not agree on the general election definition.

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3.4 Regarding term limits, Chairman McDermaid stated that if the Commission agree to propose a change for term limits, the number of terms should be discussed. Danny Hamilton stated that this is a two-fold question, 1) Term limits for the County Commission and 2) term limits implemented for Constitutional Officers if the Commission agrees.

Tigger Megonegal stated that Constitutional Officers are professionals who have worked and trained to hold their offices and are not in it for a political career. The County Commissioners are the governing body of Clay County.

Jim Schneider stated that what Tigger Megonegal is suggesting is that some of the Constitutional officers are irreplaceable and believes that an individual does not have to be in office for several terms to accomplish great things and feels that all elected officials are replaceable.

Bill Jameson stated that he was against term limits and nothing is going to change my mind on the subject.

Danny Hamilton stated that the Commission is forgetting the reason that they are here. It does not make a difference what we feel is important, but rather, what the people want. The general election of 1992 in Clay County, 35,108 people voted for term limits, and 6,922 voted against it. State-wide 76.8% of the people who voted, voted for term limits. The people that I am concerned with are the Legislative branch of the government, the County Commissioners, and that is why I drafted the proposal for term limits for them. The County Commissioners in office now will not be affected and can serve two full terms. Term limits have a place in the Legislative portion of our government.

Danny Hamilton made a motion for the Commission to accept his proposed draft of term limits for County Commissioners, reading it for the record: Section 2.2 Legislative Branch, A., (1) Terms of County Commissioners:, Commissioners shall be elected for a term of four (4) years. Any Commissioner who has held the same commission district office for the preceding two (2) full terms is prohibited from appearing on the ballot for re-election to that office: provided, that the term of office beginning before November 4, 1998 shall not be counted. Seconded by Mark Taylor. After a lengthy discussion, Nancy Keating called for the question. **Mr. Hamilton withdrew his motion.**

Dr. Clive Rayner made the motion that term limits of some nature be applied to the county commissioners. Seconded by Jim Schneider. Motion carried 7 in favor and 6 opposed.

Public comments regarding term limits:

Gary McIntyre, presently a Town Council member in the Town of Orange Park, and a past County Commissioner in Clay County, stated that he was in favor of term limits and there should

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be a three term limit (12 years). Officials running for office should live in Clay County for at least a year prior to their campaign.

Roy Lyons, a teacher at Middleburg High School addressed the issue of term limits with a prepared three (3) page speech, of which he read to the Commission (attached for review). Mr. Lyons is opposed to term limits.

3.5 Chairman McDermaid distributed copies of letters he sent to the County Commissioners, the Tax Collector, the Property Appraiser, and the Sheriff, inviting them to visit one of the Charter meetings or a public hearing.

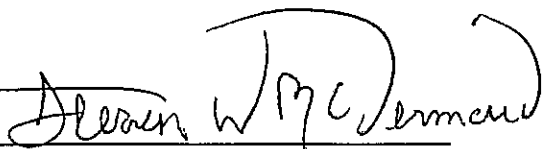
Mr. McDermaid informed the Commission that he has an appointment on Wednesday, March 3, 1998 with the Tax Collector and the Property Appraiser and the Sheriff.

Mr. McDermaid stated that he was invited to appear before the Board of County Commissioner at their meeting of March 10, 1998 to let the community know what we are doing.

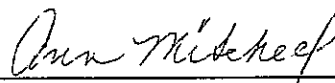
In conclusion, Chairman McDermaid said that he would discuss the issues the Commission has voted on today and request that Mark Scruby County Attorney prepare proposed drafts for: 1) recall, 2) separation of the Clerk's duties, 3) initiative petitions, and 4) term limits, to be discussed at the next meeting and ask that Mr. Scruby brief the Commission with the procedures of the public hearing process.

The next meeting is scheduled for **MONDAY, MARCH 16, 1998, 6:30 p.m., ORANGE PARK TOWN HALL.**

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



Chairman Steven W. McDermaid



Ann Mitchell, Recording Secretary

CHARTER REVIEW COMMISSION
SIGN-IN LOG

DATE: March 2, 1998

TIME: 6:30 p.m.

NAME	DEPARTMENT
Tigger McKeonegal	
Danny Hamilton	
Paul Taylor	
DANN RICHARDSON	
MARVIN E WILHITE	
Diane Melton	
STEVE McDERMID	
MAX Williams	
Paul Hagan	
Vic Payne	
Mr. Jameson	
Kella C. Keat	
James E. Schneider	

CLERK OF THE CIRCUIT COURT SEPARATION OF DUTIES

CO MANAGER CLERK

	CO MANAGER	CLERK	
FACILITIES	SUPER OF ELECT 4845 sq'	3800 sq'	COURT HOUSE EXPAND? 2.3M 2002 YEAR
EQUIPMENT PHONES, COMPUTERS, SOFTWARE	4,3000.00 + 70 LMD 5,500.00 + 1400 ROPS 16 LINES	18 LINES 2 FAX LINES 10 PC 1 PRINT 1 RM 200 SYSTEM	
PERSONNEL		18	
POSITION DESCRIPTION			
CONSOLIDATIONS			
SALARY		BUY OUTS?	
COSTS	NEW CONST 230 K TO 250K	30K TRANS DATA PROCESS, NO BACK UP	COURT HOUSE SPACES COMPTROLLER FF 775K = 70% of BUDGET 43 K 30% INF BUDGET
MOVE EQPT			
MOVE SUPER OF ELECTIONS?			
TIMING	1999 FY 2000 = OCT 99	2000	BUDGET CYCLE
AUDIT FUNCTIONS			

Submitted by: Max Williams

G. Recall: Constitutional Office of the Members of the Board of County Commissioners, the Sheriff, the Tax Collector, the Property Appraiser, the Supervisor of Elections and the Clerk of the Circuit Court shall be subject to recall as provided by general law.

Section 2.2 Legislative

A.

(1) Terms of County Commissioners:

Commissioners shall be elected for a term of four (4) years. Any Commissioner who has held the same commission district office for the preceding two (2) full terms is prohibited from appearing on the ballot for re-election to that office: provided, that the term of office beginning before November 4, 1998 shall not be counted.

We the People

The Preamble to the Constitution has in it the most meaningful words. "We the people" this obviously signifies that more than one person wrote the constitution. ~~But~~ It also signifies that the constitution was written for all citizens of the United States.

Let us shift our focus from Revolutionary times to modern times.

We must support our Military, for it is not made of Generals, Admirals, soldiers or sailors, it is made up of "We the People".

"We the people" must take the responsibility to educate our young people with their incredible minds, so they are ready to run the world when "we the ~~people~~" of today step aside.

We the people must see our importance as citizens in politics. Without the support of us the politicians in talk + Washington are nothing.

We the people control who is in office, what the agenda is. The preamble does not read we the

gov't. "We the people" is still in practice today the United States does not belong ^{to} powerful people politicians it belongs to us "we the people".

So exercise your right - encourage good people to run for office - protect your rights as citizens of this great country.

Remember Remember the 11th Comm.

Constitutional office

1. Sheriff
2. Tax Collector
3. property appraiser
4. Supervisor of elections
5. Clerk of the court
6. Perhaps even Super of Schools. (work for School Bd.)

These office should not voted on for term limits.

1. They are covered under the Const.

2. They are not law making

3. Not Taking office

4. They are gov. by a set of rules combining

state & county regulations

5. They must serve all citizens regardless of any ~~part~~ particular - so they must be exempt from any single issue groups - (Some incompass speciality, Training, year to quality for job)

6. There is a real good case to make

these ~~is~~ office along with Scho Bd. office non-partisan -

1. Cheaper to Run election - (Many place county)

2. More qualified people of regardless of political affiliations in the race for these office.

3. With more people running we the people of the county have a better chance of getting better govt. - This is a difficult thing to do but the people of the county will be the big winners.

4. Elections the way they are now held locally - There is a large number of people who

cannot participate in selection process.

5. In a republican form of gov't. we the people will benefit by the larger groups that participate. more representative country gov't.

Remember - we get what we deserve!!

Term limits may be overturned

1. Limits the ability of the people to elect whom they want - Remember we get what we deserve.

2. Term limits favor ~~some~~ ~~some~~ single issue candidates which hurts the overall ability of the gov't to function. (Ex) (green party in Europe)

3. If a person is in office - doing the job - pleases the people he or she represents - why should this person be removed? (This is a republic)