

**CHARTER REVIEW COMMISSION
MINUTES**

**Monday, April 6, 1998
Town Hall, Orange Park, 6:30 p.m.**

The Charter Review Commission met on Monday, April 6, 1998, 6:30 p.m., Town Hall, Orange Park, 6:30 p.m. Those in attendance are listed on the attached sign-in log. Those not in attendance were: O'Dann Richardson, Ken Ackis and Max Williams.

1. Minutes of the March 16, 1998 meeting were unanimously approved.
2. Motion made by Dr. Clive Rayner to approve payments for advertising the first Charter Review Commission Public Hearing in the Clay County Leader, in the amount of \$64.00, and Add Inc., Publications, in the amount of \$150.00. Seconded by Tigger Megonegal. Motion carried 12-0.
3. Chairman McDermaid stated that he had the opportunity to meet with the new Clerk of the Court, Talmadge L. Bennett and has extended an invitation for him to attend all Charter Review Commission meetings (letter attached).

Chairman McDermaid **OPENED** the **PUBLIC HEARING**:

Chairman McDermaid explained to the public that this hearing was the first of three as required by the Charter, and presented the issues that are being proposed for referendum at the November election: **1) RECALL**, as a new section in Article III, immediately following Section 3.1 (which states: "Each of the constitutional offices described in Section 3.1 of this Article shall be subject to recall in the same manner, under the same procedures, and for the same grounds as are provided by general law for the members of the Board of County Commissioners"); **2) SEPARATION OF CLERK'S DUTIES**, a proposal amending Section 3.1 of the charter to limit the Clerk's duties to Clerk of the Circuit Court and recorder, and to accept Alternative A which amend Paragraph (1) of subsection A of Section 2.3 of Article II of the Charter to add a new subparagraph immediately following subparagraph (e) thereof, to be designated subparagraph (f), and to read in its entirety as follows: "The County Manager shall be the ex officio clerk of the board of county commissioners, auditor, and custodian of all county funds of the County within the meaning of Article VIII, Section 1(d), Constitution of the State of Florida, and shall exercise all powers and perform all duties and functions as may be provided by law with respect thereto"; **3) INITIATIVE PETITIONS**, a proposal to revise the initiative process for both Charter amendments and ordinances so as to (1) change the signature requirements from ten percent of the electors qualified to vote in the last general election to ten percent of the electors who cast ballots in the last general election; (2) delete the requirement that the qualified elector signatures must be gathered in such a manner so that not less than three (3) of the five (5) County Commission election districts contribute at least ten percent (10%) of their qualified electors to the ten percent (10%) countywide total; and (3) increase the period of time for the initiative petition drive from 120 days to 180 days.

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Chairman McDermaid opened the floor for public comments. Harold Rymer, Jr., 553 Claire Lane, Orange Park, Florida, 32073, read for the record, a one page speech regarding all of the issues the Commission is proposing for referendum (speech attached).

Chairman McDermaid CLOSED THE PUBLIC HEARING

Clive Rayner stated that he had some issues he would like to present to the Commission that may stimulate further discussion.

Chairman McDermaid stated that the public hearing had been closed and he would have to re-open the hearing.

Nancy Keating made a motion to re-open the hearing. Seconded by Jim Schneider. Carried 12-0.

Chairman McDermaid RE-OPENED the PUBLIC HEARING:

Regarding initiative petitions, Dr. Clive Rayner stated that section 2.C. of the March 16, 1998 minutes, page nine, which states, (1) signature requirements from ten percent of the electors qualified to vote in the last general election to ten percent of the electors who cast ballots in the last general election should be reviewed to determine if this section should be changed to ten percent to the **number of electors who cast ballots**, in that this verbiage may be construed to mean those actual people. It does not clearly state the number of electors.

Jim Schneider stated that on page three (3) of nine (9) of the proposed amendments, Section 2.2 of Article II, (H), it states that "the number of qualified elector signatures for a valid petition must **equal at least ten percent (10%) of the electors, etc.** There being no further discussion, the Commission agreed that this verbiage was sufficient.

Regarding the separation of Clerk's duties, Dr. Clive Rayner stated that originally it was the intent of the Commission in discussing the separation of the Clerk's duties, the separation would take affect when the Clerk's term was completed. Mr. Rayner inquired if the Charter should consider January 1999 as the implementation date of the separation of the Clerk's duties since the Clerk's position has changed.

Chairman McDermaid informed the Commission that in his discussions concerning the separation of the Clerk's duties with the County Manager, County Attorney and Chairman Commissioner Pat McGovern, it is apparent that it is physically and fiscally impossible for the separation of the Clerk's duties and the election to coincide with each other.

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Dr. Clive Rayner expressed his concerns that the new elected clerk will be responsible for all of the Clerk's functions, and the separation would not occur until his term is over. Further, Mr. Rayner inquired if the salary of the new elected Clerk would be for the Clerk's duties only.

Regarding the implementation date to begin the separation of the Clerk's duties, O'Dann Richardson stated that the fiscal year begins in October of each year. The general election is held in November. The separation of duties could not occur January 1, 1999, it would be too early to make a transition. The beginning of the next fiscal period, that being, October of 1999 would be the most logical implementation date. Further, a transition occurring in the middle of a term would constitute continuity.


Chairman McDermaid informed the Commission that regardless of who is elected to the Clerk's office, they will be required to comply with the separation. The current Clerk's salary is fixed for the remainder of his term. When the new incumbent is elected, and if the separation of Clerk's duties is approved by the voters, the salary issue will have to be addressed by the County Attorney and perhaps the County Manager.

Chairman McDermaid CLOSED THE PUBLIC HEARING AT 7:00 P.M.

Chairman McDermaid informed the Commission that the second **PUBLIC HEARING** is scheduled to be held in Green Cove Springs, at the Administration Building, CRB, **April 20, 1998, 6:30 p.m.** Tentatively, the third **PUBLIC HEARING** will be held at City Hall in Keystone Heights, May 4, 1998, 7:00 p.m.

There being no further business, the meeting adjourned at 7:10 p.m.

Steven McDermaid, Chairman



Ann Mitchell, Recording Secretary

**CHARTER REVIEW COMMISSION
AGENDA**

**Monday, April 6, 1998
Town Hall, Orange Park, 6:30 p.m.**

1. Approval of minutes: March 16, 1998

2. Approval of payment for advertising

3. Charter Commission Public Hearing Concerning Proposed Charter Amendments
 - a. Recall
 - b. Initiative Petitions
 - c. Separation of the Clerk's Duties

4. Future Hearings/Meetings/Locations/Dates

CLAY COUNTY LEADER
318 MILWAUKEE AVENUE
ORANGE PARK, FL 32073

I N V O I C E

04-278-9990

ANN MITCHELL
BCC
P.O. BOX 1366
GREEN COVE SPRINGS, FL 32043

RECEIVED

MAR 27 1998

CLAY CO. BCC

NNMITCH DATE INVOICE NO. DUE DATE
 3/26/98 2296 4/05/98

Reference No.	Description	Amount
LN#1151	NOTICE OF PUBLIC HEARING	
LN#1151	PROPOSED AMENDMENTS TO CC HOME RULE CHART.	
LN#1151	PUBLISHED 3-25-98	64.00

	Sub-Total	64.00
	Tax	0.00
.5% CHARGED ON ACCOUNTS 30 DAYS PAST DUE	Total	64.00

Clay County Leader
Published Weekly
318 Milwaukee Ave., Orange Park, FL 32073
(904) 278-9990 - FAX (904) 278-9987

STATE OF FLORIDA
COUNTY OF CLAY

Before the undersigned authority personally appeared, Sarah L. Boe who on oath says that she is the Publisher of the CLAY COUNTY LEADER, a weekly newspaper published at Orange Park in Clay County, Florida: that the attached copy of advertisement, being a Notice of Public Hearing on Proposed Amendments to the Clay County Home Rule Charter in the manner of L-N #1151 To be held on April 6, 1998 at 6:30 p.m. at Orange Park Town Hall was published in said newspaper in the issue(s) of March 25, 1998.

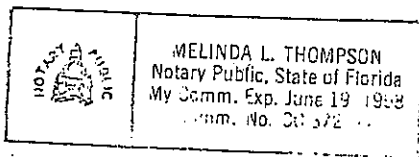
Affiant further says that the said CLAY COUNTY LEADER is a newspaper published at Orange Park in said Clay County, Florida, and that the said newspaper has heretofore been continuously published in said, Clay County, Florida once each week and has been entered as Second Class mail matter at the post office in Orange Park, in said Clay County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sarah L. Boe.
FDL #B000-792-21-748-0

Sworn to and subscribed before me

this 25th day of March, A.D. 1998, who is personally known to me or who has produced (type of identification) as identification.

Melinda L. Thompson



NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CLAY COUNTY HOME RULE CHARTER

The public is hereby notified that on Monday, April 6, 1998, at 6:30 p.m., or as soon thereafter as can be accomplished, at the Orange Park Town Hall, 2042 Park Avenue, Orange Park, Florida, the Charter Review Commission (the "CRC") of Clay County, Florida, will hold the first of three public hearings required under Section 4.2:B.(4) of the Clay County Home Rule Charter (the "Charter") in order to receive input, comments and suggestions from members of the public regarding three proposed amendments to the Charter. The first proposed amendment would amend the Charter to provide that the elected constitutional officers shall be subject to recall, effective January 1, 1999. The second proposed amendment would amend the provisions of the Charter providing for the enactment of ordinances and the proposing of Charter amendments by initiative, effective January 1, 1999. The third proposed amendment would amend the Charter to transfer from the Clerk of the Circuit Court to the County Manager those functions of said Clerk referred to in Article VIII, Section 1(d) of the Florida Constitution as the ex-officio Clerk of the Board of County Commissioners, the auditor and the custodian of all county funds, effective October 1, 1999. Copies of draft versions of all three proposed amendments are available for inspection in the offices of the CRC's Recording Secretary Ann Mitchell, at the Clay County Administration Building, Fourth Floor, 477 Houston Street, Green Cove Springs, Florida, between the hours of 9:00 a.m., and 4:30 p.m., Monday through Friday, except legal holidays.

Following the three required public hearings, the CRC will vote on the proposed amendments. A particular amendment will be placed upon the ballot of the general election scheduled for November 3, 1998 for voter approval or disapproval if a majority of the CRC members vote in favor of such placement upon the ballot.

The CRC welcomes public participation and comment at its hearings.

Pursuant to Section 286.0105, Florida Statutes, a person deciding to appeal any decision made by the CRC with respect to any matter considered at the public hearing is advised that such person will need a record of all proceedings of the public hearing and may need to ensure that a verbatim record of all proceedings of the public hearing is made, which must include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act, any person needing a special accommodation to participate in this matter by attending the public hearing should contact the Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, Florida 32043, or by telephone at (904) 269-6347 no later than three days prior to the public hearing for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).

Charter Review Commission
Clay County, Florida
E-N #1151 pub. 3/25/98

ADD INC. PUBLICATIONS
1564 KINGSLEY AVE
ORANGE PARK, FL 32073
904-264-3200

RECEIVED
MAR 20 1998

CLAY CO. BCC

BOARD OF COUNTY COMMISSIONERS
Attn: ANN HITCHELL (CHARTER REVIEW)
P.O. BOX 1366
GREEN COVE SPGS. FL 32043

Invoice #
Invoice Date 03/27/98

DATE	QUANTITY	DESCRIPTION	AMOUNT
03/27/98	1.00	#7098B PUBLIC HEARING (DISPLAY) IN 3/27	150.00
Total Invoice			150.00

PLEASE RETURN THIS PORTION WITH REMITTANCE

ADD INC. PUBLICATIONS
1564 KINGSLEY AVE
ORANGE PARK, FL 32073

ACCOUNT:
BOARD OF COUNTY COMMISSIONERS
BILLING DATE: 03/27/98
DUE DATE:
AMOUNT DUE: 150.00

PUBLISHER AFFIDAVIT
CLAY TODAY

Published 2 Days a Week
Orange Park, Florida

STATE OF FLORIDA
COUNTY OF CLAY:

Before the undersigned authority personally appeared Charlotte Linville, who on oath says that she is the controller of the "Clay Today" a newspaper published 2 days a week at Orange Park in Clay County, Florida; that the attached copy of advertisement being

a LEGAL NOTICE
in the matter of Notice of Public Hearing on Proposed
Amendments To The Clay County Home
Rule Charter.
2x5 display LEGAL NO. 7098 B

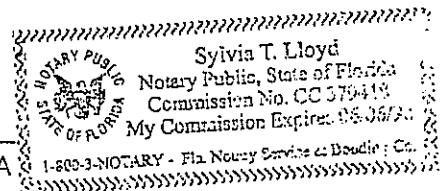
was published in said newspaper in the issues
MARCH 27, 1998

Affiant further says that said "Clay Today" is a newspaper published at Orange Park, in said Clay County, Florida, and that the said newspaper has heretofore been continuously published in said Clay County, Florida, 2 days a week, and has been entered as Periodical material matter at the post office in Orange Park, in said Clay County, Florida, for period of one year next proceeding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Charlotte Linville

Sworn to me and subscribed
before me this 27th day of MAR. A.D. 1998

Sylvia T. Lloyd
NOTARY PUBLIC, STATE OF FLORIDA



1564 Kingsley Avenue - Orange Park, Florida 32073
Telephone (904) 264-3200 - FAX (904) 269-6958

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Charter Review Commission, Clay County, Florida

Legal No. 7098B published March 27, 1998 in Clay County's Clay Today newspaper.

March 30, 1998

The Honorable Talmadge Bennett
Clerk of the Circuit Court

Dear Clerk Bennett

The Clay County Charter Review Commission was reconvened in November 1997, as per Charter guidelines. In the course of it's review the Commission has endeavored to take a detailed look at the structure of the Charter and how it relates to and regulates Clay County Government. As a result of this review, there are several important issues the Commission is considering as possible Charter revisions for voter consideration. The purpose of this letter is to apprise you of our work and to invite your comments and participation in our review process.

There are three issues we are presently considering for public hearing and voter consideration. They are:

1. Separating the duties of the Clerk of the Court and comptroller into two functions.
2. Initiative requirements for voter petition concerning percent of qualified voters required and time limits required.
3. Recall of Constitutional Officers.

We would welcome your comments on these issues and any other issues you feel we should consider. The Commission is a dynamic group of individuals who are very interested in Clay County and it's Charter form of government. Our meetings are scheduled for the first and third Monday of every month at six thirty P.M. in various county locations. Monday 6, April we will meet at the Orange Park Town Hall. This meeting will be the first of our required public hearings concerning the three issues we are proposing for voter consideration. You are most cordially invited to attend this meeting and any of our following meetings. We would greatly appreciate your being able to address the Commission at your earliest convenience. In addition, if your schedule permits, I would like to call on you in the near future to discuss the Commission and seek your views. Thank you for your consideration.

Sincerely

Steve McDermaid
Chairman, Charter Review Commission

Charter Review Commission, Public Hearing, Orange Park, FL, April 6, 1998
Harold H. Rymer, Jr., 553 Claire Lane, Orange Park, FL 32073; 269-2453

I am in favor of RECALL provisions for County Commissioners and also for all Constitutional Officers. Home Rule means less rule by Tallahassee and more rule by Clay County Citizens. We need a means, within Clay County, to remove elected officials from office between elections if they fail to support, protect, and defend the Constitution of the United States and of the State of Florida, or fail to faithfully perform the duties of the office, or fail to devote personal attention to the duties of the office, according to their oath of Office. (Florida Constitution, Art. II, Sec. 5.(b).

I am in favor of INITIATIVE provisions to initiate, amend, or repeal County Ordinances by the citizens of Clay County. The procedures need to be reasonable enough to insure that an initiative can be successful. Citizens need this if Commissioners fail to represent the people.

I am in favor of separating the duties of the Clerk of the Court and the Comptroller. The Florida Constitution does not require them to be one office. "The duties of the clerk of the circuit court MAY BE DIVIDED by special or general law between two officers, one serving as clerk of the court and one serving as ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of ALL county funds". "Any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office. When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds". (Florida Constitution, Art. V, Sec. 16., and Art. VIII, Sec. 1.(d).

Florida Statutes do not require the Clerk of the Court and the Comptroller to be one office. According to F.S., Ch. 129, Sec. 129.025, the legislature finds that the duties of county budget officer do not fall within the constitutional responsibilities performed by the several clerks of the circuit court as auditor and custodian of county funds.

In 1982--fifteen years ago--the Grand Jury recommended a charter form of government or the separation of the duties of the Comptroller from the Clerk. The Clerk at that time concurred and had physically separated the duties in anticipation of the separation of the Comptroller from the Clerk. Now the County Commissioners have finally seen the light or the handwriting on the wall, and advocate the separation. The County Manager does not have a problem with the separation. Let us follow the Florida Constitution & Statutes, the Grand Jury recommendation, the Clerk of the Court in 1982, the County Commissioners, and the County Manager, instead of the current outgoing and incoming Clerk of the Court.

Harold H. Rymer, Jr.

CHARTER REVIEW COMMISSION
SIGN-IN LOG, 1ST PUBLIC HEARING

DATE: April 6, 1998

TIME: 6:30 p.m.

NAME	DEPARTMENT
Mark I. Taylor	
Deane Melton	
Chic Ryan, Jr.	
Tigger Ingersoll	
Ron Coleman	
Denny Hamilton	
David Keating	
Jack [unclear]	
Jim Schneider	
M. L. Jameson	
MARTIN WHITE	
STEVE MUDERMAN	