

## CHARTER REVIEW COMMISSION

### MINUTES

Monday, April 20, 1998

4th Floor, Administration Building

6:30 p.m., CRB

The Charter Review Commission met on Monday, April 20, 1998, 6:30 p.m., 4th Floor, Administration Building, CRB. Those in attendance are listed on the attached sign-in log. Those not in attendance were: Jim Schneider, Nancy Keating, Bill Jameson and Ron Coleman.

1. Minutes of the April 6, 1998 meeting were unanimously approved with the correction of page three, paragraph one, regarding the separation of the Clerk's duties discussion, O'Dann Richardson was not present at this meeting. Jim Schneider should be mentioned in this paragraph.

2. Motion made by Dr. Clive Rayner to approve payments for advertising for 1) first Charter Review Commission Public Hearing in the County Line section of the Times Union, in the amount of \$89.37, 2) the second public hearing in the Clay County Leader, in the amount of \$68.00, 3) the second public hearing in the Clay Today, in the amount of \$150.00, and 4) the second public hearing in the County Line section of the Times Union, in the amount of \$89.37. Seconded by Max Williams. Motion carried 11-0. O'Dann Richardson inquired about the higher cost of the Clay Today's advertising for the public hearings. Chairman McDermaid stated that the papers selected were those that would cover Clay County and the Charter Commission needed to advertise in all the county's local papers to gain public interest. Further, Mr. McDermaid stated that this is an administrative issue and the Clay Today would be contacted about the cost of their advertising to be discussed at the next meeting.

Chairman McDermaid informed the Commission that he had received a letter from the Clerk of the Court, Talmadge L. Bennett apologizing for not attending the April 6, 1998 meeting and commented on his personal opinions the Commission's issues (letter attached).

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

Chairman McDermaid explained to the public that this hearing was the second 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

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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.

Chairman McDermaid opened the floor for public comments.

Those in attendance from the public were: Bert & Betty Jo Green, 638 Crighton Road, Orange Park, Florida, 32073. Glenn R. Lassiter, 5937 John Wilkinson Road, Middleburg, FL, 32068. Beth Cravey, Times Union, 2233 Park Avenue, Suite 204, Orange Park, FL, 32073.

Regarding the Separation of the Clerk's duties, Chairman McDermaid explained to the public that this issue was discussed in great detail and there was concern as to who the financial officer would be responsible to, the Board of County Commissioners or the County Manager. The Commission determined that this hired position should report to the County Manager.

Ms. Betty Jo Green requested that checks and balances be explained. Chairman McDermaid explained to Ms. Green that the financial officer is liable for inappropriate expenditures and is responsible for the funds and obligated by Florida Statutes to follow guidelines to be sure there are checks and balances. These checks and balances would be: 1) the day to day performance audits to be sure the funds that have been incurred for the expenditure in the budget, the policies of the County of a particular expenditure have been followed, and if the expenditure serves a public purpose. Ms. Green inquired if the Board of County Commissioners was responsible for the Clerk of the Court's responsibility as custodian of their finances. Chairman McDermaid explained that the Florida Constitution and Florida Statutes requires the funds to be under the Clerk until it is changed. Ms. Green inquired about making the Comptroller a separate elected position. Chairman McDermaid informed Ms. Green that the Commission had a very extensive discussion concerning this issue and concluded that a separate Comptroller position would not solve the problem with the conflict of the funds. Currently, two individuals are controlling the funds and no efficiencies are gained from it. Ms. Green asked if the voters would have a choice to decide if the financial officer should be an elected position and not, would the only choice to not have the separation be to vote against it. Max Williams explained to Ms. Green that in the Commission's research of the Charter counties in Florida, those that did vote to have an elected position for the Comptroller have now reverted back because the elected position was not working. Mr. Bert Green stated his opinion that having the financial officer under the Board of County Commissioners would simplify the county's business.

**Charter Review Commission Minutes**

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Chairman McDermaid stated that of the 67 counties in the State of Florida, only 16 of them are a Charter Home Rule government. This is a very special small group and it appears that the financial officer being responsible to the County Manager is a good way for a county to do business. Currently, our County Manger is the budget officer of Clay County and he does not have the funds to work with.

Dr. Clive Rayner explained to the public that the Charter Commission concluded that the financial officer should have formal training in their respective field. Any individual could be elected to an office an they many not necessarily have the training and expertise to do so. This is an area in which expertise and experience is important.

Ms. Green stated that if the voters voted for the separation of the Clerk's duties and in five years they wanted to change it, what would be the recourse of action. Chairman McDermaid explained to Ms. Green that: 1) a Charter Commission will regroup in four years to review our Home Rule Charter government and 2) the changes we are currently proposing on initiative will make it easier for voters to act on issues they are concerned with. Further, Max Williams explained that the purpose of the initiatives being proposed is to give the citizens of Clay County an easier mechanism for the Home Rule government to work for them.

Ms. Green inquired if the Commission was concerned about the lack of interest of the citizens of Clay County.

Max Williams stated that citizens will usually come forward only when they are against an issue. The Commission is responding to the lack of public input as the citizens saying they are for the issues being proposed for referendum. All of the Charter meetings have been well publicized and the citizens have had several opportunities to attend them.

Glenn Lassiter stated that he had attended several county functions where Chairman Steve McDermaid had been a special guest representing the Charter Review Commission and it was of his opinion that the proposed issues of the Charter is being discussed among the citizens of Clay County.

**Chairman McDermaid CLOSED THE PUBLIC HEARING**

Chairman McDermaid informed the Commission that the third **PUBLIC HEARING** is scheduled to be held in Keystone Heights, at City Hall, **Monday, May 4, 1998, 7:00 p.m.** This hearing will be advertised in the Lake Region Monitor for that area.

Chairman McDermaid stated that the next meeting should include a discussion of the Commissions conclusion of the three proposed issues to make their final decision to present to the Board of County Commissioners.

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**April 20, 1998**

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Regarding the separation of the Clerk's duties, Danny Hamilton inquired about the job description of the financial officer and who would determine what the job description will be.

Chairman McDermaid stated that the Commission has had several discussions of this issue and believed that the County Manager and the Human Resource Director should be responsible for the job description of this individual. Further, Max Williams reminded the Commission that Chairman Commissioner Pat McGovern had stated at a prior Charter meeting the financial officer should report to the County Manager, and the County Manager should be responsible for the job description, hiring and training as he would be for any other department head.

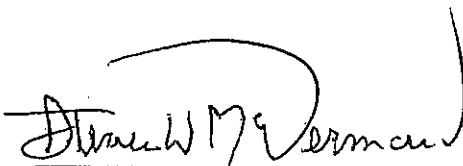
O'Dann Richardson stated his opinion that the financial officer's position was of special importance and the Board of County Commissioners should have an opportunity to review this position before they were hired.

Chairman McDermaid stated that he would discuss this issue with the County Attorney and thought that Charter Commission should not be involved with the job description of the financial officer or otherwise.

Brief discussion concerning the salary of the new clerk and if the salary would be affected if the Clerk's duties were separated.

Chairman McDermaid stated that he would discuss this issue with County Attorney, Mark Scruby and bring it back for the next meeting.

There being no further business, the meeting adjourned at 7:25 p.m.

  
\_\_\_\_\_  
Steven McDermaid, Chairman

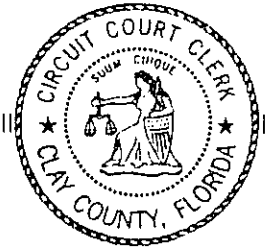
  
\_\_\_\_\_  
Ann Mitchell, Recording Secretary

**CHARTER REVIEW COMMISSION  
AGENDA  
Monday, April 20, 1998  
4th floor, Administration Building  
6:30 p.m., CRB**

1. Approval of minutes: April 6, 1998
2. Approval of payment for advertising public hearings
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

# TALMADGE L. BENNETT

CLERK OF THE CIRCUIT COURT



April 7, 1998

Mr. Steve McDermaid  
Chairman, Charter Review Commission  
Clay County Administration Building  
477 Houston Street  
Green Cove Springs, FL 32043

Dear Mr. McDermaid:

I apologize for not being able to attend the public hearing on Monday, April 6, at Town Hall in Orange Park. I had it on my calendar and I intended to be there to present a few comments that I feel should be considered by the Commission. Please include, by way of this letter to you as Chairman, the following comments or suggestions:


1. If the voters decide to split the Clerk and Comptroller duties in November, the Comptroller responsibilities should not be placed under the five members of the Board of County Commissioners. From an organizational standpoint, it should be placed under the county administrator. Having a finance director subject to five individual county commissioners would create an unworkable condition for the finance director.
2. The salary for the Clerk should be adjusted substantially to reflect the decrease in responsibility commensurate with the elimination of the Comptroller's duties.
3. With relocation of the finance director to the Board of County Commissioners, the additional manpower requirements and operational costs should not be greater than currently exist for the same services under the Clerk's current budgeted allocation.

As for my personal opinion for the record, based on my years of public service and experience with the operations of the Clerk's office, I do not support separating the two functions of Clerk and Comptroller. I understand the current sentiment which seems to support the proposal to make the split; unfortunately, this favorable sentiment is a result of the poor performance and public perception of the former Clerk in his relations with the Board of County Commissioners and certain members of the news media.

I can assure you that the responsibilities of Clerk/Comptroller are presently being performed efficiently and at a minimum cost to the taxpayers by the current personnel in the Clerk's office.

In closing, please accept my invitation to come by and visit with me at your convenience. I wish to express my sincere thanks to you and your fellow Commission members for undertaking this controversial and sometimes thankless task. You have my full and unconditional support.

Sincerely,

  
Talmadge L. Bennett  
Clerk of the Circuit Court

TLB:fd

CHARTER REVIEW COMMISSION  
SIGN-IN LOG, 2nd PUBLIC HEARING

DATE: April 20, 1998

TIME: 6:30 p.m.

NAME	DEPARTMENT
<i>Tigger Negonjal</i>	
<i>Ken Ackis</i>	
<i>Danny Hamilton</i>	
<i>Deirdre Melton</i>	
<i>DANN RICHARDSON</i>	
<i>MAX WILLIAMS</i>	
<i>MARTHA WILHITE</i>	
<i>STEVE McDERMID</i>	
<i>Wanda Taylor</i>	
<i>Chic Fayat</i>	
<i>Paul Hagan</i>	

# The Florida Times-Union

ONE RIVERSIDE AVE. • P.O. BOX 1949 • JACKSONVILLE, FLORIDA 32231 • (904) 359-4111

Date: APR. 20, 1998

Company Name: CHARTER REVIEW Commission CLAY COUNTY

Contact Name: ANN MITCHELL

Phone: 284-6352 Fax: 278-4731

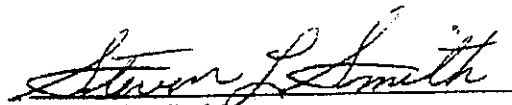
### RE: ESTIMATED COST OF PUBLICATION

As identifier, NOTICE OF PUBLIC HEARING, Day (s) 1, 4/1/98, Approximate size 2 x 4 1/2, at \$ 50.92 Monday-Saturday and \$ 54.42 Sunday - per column inch, per day.

Total ~~estimated~~ cost: \$ 89.37

**THIS IS AN ESTIMATED QUOTE. YOUR ACTUAL COST WILL BE CALCULATED FROM THE ACTUAL PUBLICATION SIZE AND MAY VARY FROM THIS ESTIMATE SLIGHTLY.**

**PAYMENT MAY BE REQUIRED PRIOR TO PUBLICATION. Visa, Mastercard, American Express, and Discover are accepted.**



Steven L. Smith  
Legal Classified Representative  
(904) 359-4170

RESPONSE: \_\_\_\_\_ Publish, \_\_\_\_\_ Cancel, \_\_\_\_\_ Hold until notification.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Please return response as soon as possible via fax: 904-359-4180.



(1)

**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



Printed by Sunbeam

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

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Charter Review Commission  
Clay County, Florida  
L-N #1179 pub. 4/15/98

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

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

Invoice #

Invoice Date 04/10/98

DATE	QUANTITY	DESCRIPTION	AMOUNT
04/10/98	1.00	#7176 NOT.PUBLIC HEARING (DISP 2XS) 4/10	150.00
Total Invoice			150.00

**RECEIVED**  
APR 13 1998

**CLAY CO. BCC**

PLEASE RETURN THIS PORTION WITH REMITTANCE

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

ACCOUNT:  
BOARD OF COUNTY COMMISSIONERS

BILLING DATE: 04/10/98

DUE DATE:

(3)

AMOUNT DUE: 150.00

(1)

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*Charter Review Commission, Clay County Florida*

2nd Hearing

# **U** The Florida Times-Union

ONE RIVERSIDE AVE. • P.O. BOX 1949 • JACKSONVILLE, FLORIDA 32231 • (904) 359-4111

Date: APR. 20, 1998

Company Name: CHARTER REVIEW Commission CLAY COUNTY

Contact Name: ANN MITCHELL

Phone: 284-6352 Fax: 278-4731

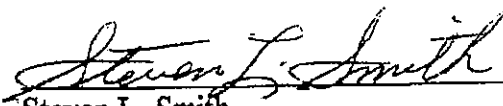
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Legal Classified Representative  
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RESPONSE: \_\_\_\_\_ Publish, \_\_\_\_\_ Cancel, \_\_\_\_\_ Hold until notification.

Name (Print): \_\_\_\_\_

Signature: \_\_\_\_\_

(4)