

RECEIVED

MINUTES OF THE CLAY COUNTY
CHARTER REVIEW COMMISSION

June 2, 1994

School Board Annex
Orange Park, Florida
Verbatim Attached

JUN 5 1 12 PM '94

JOHN W. WEAVER
CLERK OF COUNTY
COUNTY CONTROLLER
CLAY COUNTY FL.

The Charter Review Commission met at the School Board Annex, Building A, located at Kingsley Avenue and Blanding Boulevard, Orange Park, Florida, on the above-stated date. Chairman Chance Irvine called the meeting to order at 7:30 P.M.

The following were present: Commission members Chance Irvine, Chairman, Jerry Agresti, Christine Cech, Mary Flynn, Ann Hill, Howard Koss, John Long, Linda Parrish, Jack Wiggins, Marvin Wilhite. Commission member Bill Basford joined the meeting in progress.

The following were absent: Commission members William Bodenweber, Sherrie Porter, James Price.

APPROVAL OF MINUTES

After discussion, Jerry Agresti moved, seconded by Jack Wiggins, and carried 9-0, to approve the minutes of the May 23, 1994 meeting of the Charter Review Commission, with the following correction: Sherrie Porter's name was mistakenly stated as "Sharon" Porter rather than "Sherrie" Porter on page 2 of the minutes summarization.

TREASURER'S REPORT

Chairman Irvine stated that a computer printout of expenses should be available at the next meeting.

PUBLIC HEARING - Amendment to Section 2.3B(1) Clay County Home Rule Charter

Chairman Irvine stated there was an extraneous "and" in the proposed amendment. After discussion, Jack Wiggins moved, seconded by John Long, and carried 10-0, to delete the word "and" after "appointed by the County Manager" in the proposed amendment, as follows:

- (1) The County department heads shall be appointed by the County Manager and shall be employees at will and shall be responsible to the County Manager.

Jack Wiggins moved, seconded by Marvin Wilhite, and carried 10-0, to insert a comma after "appointed by the County Manager" in the proposed amendment, as follows:

(1) The County department heads shall be appointed by the County Manager, shall be employees at will and shall be responsible to the County Manager.

After further discussion, Jack Wiggins moved, seconded by Christine Cech, and carried 10-0, to accept the proposed amendment to the Clay County Home Rule Charter, Section 2.3B(1), as amended, as follows:

(1) The County department heads shall be appointed by the County Manager, shall be employees at will and shall be responsible to the County Manager.

OLD BUSINESS - Term Limits

After discussion, Chairman Irvine stated Commission members should come prepared with their reasons for or their reasons against term limits at the June 13 meeting and that the proposed language for said amendment to the Charter concerning term limits should be available to them at that meeting.

PUBLIC COMMENT

The following were present and voiced comments and concerns:

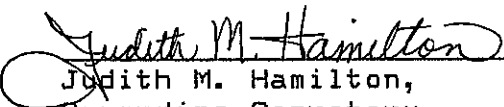
- Eugene J. Alphonse, Orange Park
- Steven Smeltzer, Middleburg
- Amelia Geisenburg, Keystone Heights
- Mary Webb, Orange Park

NEXT MEETING

Chairman Irvine stated the next meeting is scheduled for 7:30 P.M., Monday, June 13, 1994, at the Board of County Commissioners Meeting Room, 4th Floor, County Administration Building, Green Cove Springs.

ADJOURN

Chairman Irvine adjourned the meeting at 8:06 P.M.



Judith M. Hamilton,
Recording Secretary

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MINUTES OF THE CLAY COUNTY
CHARTER REVIEW COMMISSION
June 2, 1994
School Board Annex
Orange Park, Florida

Meeting called to order at 7:30 p.m.

Irvine: Judy, would you like to announce a quorum and we will go on to the minutes.

[]: 10 members present; quorum here.

Irvine: OK, have you all had an opportunity to read the minutes from the May 23 meeting? Are you ready to vote on the minutes? I'll be willing to accept a motion.

Parrish: There is a correction.

Irvine: First of all we need to move to approve the minutes. If somebody would like to move.

Agresti: So move.

Wiggins: Second.

Irvine: Thank you. Jerry moved and Jack seconded. Linda, what?

Parrish: Just the spelling of Sherrie Porter's name, page 2. I don't know how many times throughout, it's actually Sherrie, not Sharon.

Wiggins: Verbatim, page 2?

Irvine: We're not doing the verbatim, we are doing the shortened minutes. Is that true in the short minutes? [Yes.] Was the misspelling in the short minutes? [Yes, page 2, paragraph 2.] Are there any other corrections or additions? All in favor of approving the minutes as corrected please signify by saying aye. Ayes. Opposed? The minutes are approved as corrected. We have tried to gather a Treasurer's Report and the problem is that not all of the bills went to Jim Price. Some of them went directly to Bob Wilson and some of them went to Jim Price and then on to Bob Wilson. We have asked for a computer printout from the County and as of about 4:00 the last time we checked this afternoon, it was not available. There will be a printout for you when it is available and that should be at the next meeting.

Wiggins: Question on the financial. I don't think we've seen a written financial report so far. Shouldn't all bills be received and laid on the table before this Commission to get approval

before they are paid. Shouldn't they be sent to us instead of somewhere else? Presented in our meetings?

Irvine: They are approved by the County Commissioners.

Wiggins: We have no choice.

Irvine: Well we could....

Wiggins: It was just a question. Because it come to my mind you know that what's the status on this \$5,000?

Irvine: That's what we couldn't find out because it was two different people taking care of, but the bottom line is we voted to pay per hour per page to our secretaries, so that has already automatically been voted on. We voted to hire Larry Arrington. And the only other expenses that I'm aware of are maybe some telephone calls that people hadn't been paid for. But it is approved officially by the County Commission. The public hearing is now open for amendment to the Clay County Home Rule Charter, Section 2.3B(1). Before we start on this I would like to say that over the phone when I was dictated the amendment, it did not, it had and in there, the county department heads shall be appointed by the County Manager and shall be employees at will and shall be responsible to the County Manager. If you will note on the written copy that we received from Tallahassee, the first and was not in there, it would read the county department heads shall be appointed by the County Manager, shall be employees at will and shall be responsible to the County Manager. Hi, Bill, we'll try to find you a chair.] ... I would suggest that if you all feel that the first and is extraneous that I could write up an amendment, we'll have it in writing and present it at the third and final meeting when we vote on the final time on this to go to the County Commissioners. If you'd rather do it now that's fine or if you don't want to do it at all.

Wiggins: I'll move that we just go ahead and just make the correction instead of dragging this thing out.

Irvine: Would you [is that a motion?] yes, we need a formal motion on this.

Wiggins: I move to delete the word and after the County Manager on the second line.

Long: I'll second it.

Irvine: Thank you. Is there any discussion? All in favor of deleting the and please signify by saying aye. Ayes. Opposed? In that case, we now need to insert a comma. Would you like to move to insert a comma?

Wiggins: So moved.

Wilhite: I'll second it.

Irvine: Any discussion? All in favor of inserting the comma please signify by saying aye. Ayes. Opposed? We are now inserting a comma after County Manager. All right, it is now in correct form and is as correct as we can possibly get it. The floor is open to public comment on the amendment to Section 2.3B(1) Clay County Home Rule Charter. Is there anybody from the audience who would like to address this amendment? Is there a member of the Commission who would like to address this amendment.

Koss: If I may ask a question, Madam Chairman. I was queried yesterday on what the real meaning of shall be an employee at will. What does that really mean to the?

Irvine: That means at the will of the County Manager who is in charge of hiring and firing and it's the legally correct language the courts are accepting now on ability for the manager to fire and hire and they become employees at will.

Koss: Thank you.

Irvine: Any other questions? Any other comments? OK, we will now vote on this, ... next to the final vote will be taken tonight, if somebody would like to move the amendment as amended.

Wiggins: So move.

Irvine: Jack moves that we accept an amendment to the Clay County Home Rule Charter, Section 2.3B(1) as amended. Is there a second?

Cech: So moved.

Irvine: Thank you, Chris. Any discussion? All those in favor please signify by saying aye. Ayes. Anyone opposed? No opposition. Ok, we'll move on to third and final on this and that will take place June 13 at the County Administration Building in Green Cove Springs. Old Business, term limits. First of all, I'd like to bring you up to date on some of the research that I have done and where we are in the preparation of this amendment. I went back and checked the verbatim minutes and records for March 24, April 28 and May 23. The vote was taken on term limits on March 24 as a stand alone vote. It was moved by Linda Parrish and seconded by Sherrie Porter and the vote was 5-3 that the amendment be deleted from our agenda. On April 28, at the Keystone Heights meeting Jack Wiggins included three different propositions in one motion and that was term limits,

single member districts plus two county commissioners running at large. That vote was defeated, 3-4. The third vote was taken on May 23 [March 24] at the Middleburg meeting. Linda Parrish moved to add, she moved, and this is a different motion than the one that she had moved in Green Cove Springs, I had to make that very clear, because she was not on the prevailing side of the other vote and so she was not in a position to make this motion except that it is not the same motion as was made in Green Cove Springs. That motion was to put it on the agenda. This motion was to put it on the ballot. And they are two separate motions and therefore we do not have to reconsider and she, it did not matter that she was not on the prevailing side, so I wanted you all to understand that technically we are correct as far as I can tell from Roberts Rules of Order. Now I tried to expedite the wording of this amendment so at least we'd have it available in written form tonight so you could look it over and unfortunately, that's not happening. What I did was I checked with Larry Arrington's list of what counties had term limits, two four year term limits, so I could use their language and therefore we would not have to go through all the legal process and have it written and checked and ... which is a long process as you could tell by this simple little amendment. So first I left a message on Larry Arrington's machine and asked him to send me a copy and I gave him a fax number and that has yet to take place. I gave him about a day or two and I called the Florida Association of Counties and asked if they had copies of all the charters and would they send me a copy. They did not have the copy. So then I made many calls to the Hillsborough courthouse, the Clerk's Office, the Manager's office and I finally found someone in the Clerk's office who knew what I was talking about and even was aware that they had term limits on their County Commissioners. That is in the mail. I was hoping I would get it today. Obviously I did not. And we do not have the language before us tonight. Now....

Wiggins: Madam Chairman, you and I must have been thinking along the same lines. I anticipated there'd be problems so I went ahead and wrote up basic ... for consideration and handouts if you'd like to look at those. Written up as it stands now with adding the verbiage for

Irvine: Right now in order to include term limits we have to give ten days notice. The newspaper for tomorrow is being printed tonight in the official Clay Today newspaper for our notices. We cannot possibly get it in within the 10 day limit because that is in fact already over with. So we would have to start with an entire new cycle. Now we can notice in the regular paper that we are holding a meeting and that we will be discussing term limits. This is not official notice, this is a regular notice and we can send out copies to each member of the Commission so that they will have it in hand and be aware that that will be brought up on the meeting referred to. We can do

that, that is providing that we have all the information we need. I think we will have that because the legal work has already been done on Hillsborough. If we accept the proposal that Jack has given us, we will have to have it checked with the legal authority. I'm just giving you all the options you have. Now since we cannot have an official first meeting of the term limits hearing on the 13th of June because of problems with notice, we will have to set up an entirely new schedule and have three separate public hearings in three separate places in Clay County and each requires 10 days notice. We cannot hold them closer together than 10 days nor further apart than 15 as you well know. So that's where we are right now.

Cech: When do we have to report to the Commissioners?

Irvine: August 3, we have to have it in hand.

Parrish: When is the general election? The second week in November, right?

Irvine: It's the 8th of November.

Parrish: Then we're talking about 90 days.

Irvine: The Charter says we have to give it in a certain number of days, I don't remember what it was.

Parrish: So we really have until the 10th of August.

Irvine: When I counted it out, I put it on my calendar to get it to the County Commissioners

Parrish: It stipulates 90 working days, right, so we actually have until the 10th, which is neither here nor there, it just gives us an extra week.

Irvine: No, it doesn't have to be a working day. It does not specify that. Did you count up the days on the calendar? Or did you just count the numbers?

Parrish: Excuse me?

Irvine: Did you count out the actual days? OK. So you came up with the 10th? Has anybody else been working on this? OK, ... we can look at it.

Parrish: Not that it's paramount, Chance, because we still have plenty of time.

Irvine: We have an extra time. That's all right. I think we're going to need extra time. Because we're running into the 4th in

July and we can't do it on Sundays and we can't do it on Saturdays and we can't do it on legal holidays so we'll just have to work around that schedule as best we can. But that right now is the position we are in and the chair is willing to accept a motion on how you all want to go from here.

Parrish: Can you give us any kind of time frame whatsoever?

Irvine: I would anticipate that I should get the Hillsborough information at least in tomorrow's mail, because I expected it today.

Parrish: And almost, whatever it is that we come up with should be virtually verbatim.

Irvine: Yes, as a matter of fact, what they are doing is they are sending me a proposed amendment to their current charter to take out the extraneous language that said that if they had a split term situation and all that, so we should have the verbiage we need from that Hillsborough amendment from what I gathered over the phone.

Wiggins: I have Volusia's charter. I think that's the same thing in it, term limits. I don't have it with me though.

Irvine: Aren't theirs three years? Two three-year terms?

Wiggins: Yes, a different number of years, but other than the numbers....

Parrish: But the verbiage ... I see what Jack's saying.

Wiggins: I can pass that to you if you'd like it. Do you have a fax?

Irvine: OK. I am using the Orange Park mail services

Parrish: And then from there, it can go directly to public hearing?

Irvine: I don't think there should be a problem, because it's already been approved by their legal department. If you all would feel more comfortable if I run it by the folks in Tallahassee, I'll be glad to do that. They're virtually going to say the same thing, it's already been approved.

Parrish: We could even use a local attorney which is I believe, Terrence Jones, he worked with the original charter and I don't think he would have a problem with that. I mean, that's an option.

Wiggins: If I may point out something. The motion that was made at Middleburg and the wording that I have here. If you notice where I wrote the add in there, said ... taking office after the November elections, County Commissioners take office on what, the second Tuesday after the election?

Irvine: When I checked the recorders and I haven't checked officially, it was my understanding that they take office in January.

Wiggins: I checked today and they said the second Tuesday, so you're going to have to say after the election instead of January. If you say January then you're pushing it off another four years, which was not the intent of the motion, I don't think. Just a minor thought.

Irvine: I think we can get this. I don't think that's going to be a problem and I will make sure that I find out exactly when they are seated and I will also find out when the Hillsborough people are seated so we won't have a problem with it.

Parrish: Question when it comes to scheduling of the public hearings. Can they not be done all at one time?

Irvine: No, it's.. the Charter is very clear about the spacing.

Parrish: What I'm saying is when you publish in the newspaper, which I know is a legality that we have to concur with, if you published all three time frames at the same time, would that not take care of at least the publishing part of it, which means we could probably hold them all during the month of July.

Irvine: That's no problem, because, see what I did, I gave them all three notices and they just did them the day I told them to publish that would make it at least 10 days prior.

Parrish: And this is all going in Clay Today?

Irvine: Yes. Jim Price has said he's gotten an invoice from the Clay Today and that gives an affidavit that they published it and the date they published it and all that.

Parrish: They decided to shy away from the Times-Union?

Irvine: We have to put it in the Clay Today. It's the legal publication. From the verbatim notes, I thought it would be expensive. I don't know what you all think, but I don't know how many people would be looking in the Times-Union for an official Clay County notice because they're not usually published there.

...

Wiggins: If you put it as a legal notice in the Times-Union, chances are it wouldn't be seen.

Parrish: But it's not a legal notice

Wiggins: ... if you put it in there as a legal type notice, the best place to put it in the Times-Union would be on the front page of the County Line.

...

Irvine: Now is there any further discussion on the term limits amendment?

Agresti: I was trying to read through the minutes to see ... trying to reconstruct where we came from the beginning all the way to where we are now. I was in on the first bunch of meetings where we might have discussed it a little bit.

Wilhite: She just read the things that we voted on.

Agresti: Yes, I know that, but I'm just trying to get to the time where we discussed the merits of it, because I still haven't, I can remember one time stating my opinions of it which weren't really formulated at that time. And I don't remember hearing anybody else's unless they came out at the last meeting and I was just kind of browsing through the minutes but it seems like most of it was did we vote on this or didn't we vote on that and nobody discussed the whys we're doing it and the whys we're not doing it.

Parrish: I think ... came from basically the petition, Jerry. We have a lot more public input than we had. We had options, I believe, when Larry Arrington was here. He said if you're not getting a lot of public input about this particular issue, if you read, the verbatim minutes, go with an opinion survey. And it's a hot issue and you really don't know how people feel until you get out there and you ask them. I thought there were a lot of folks, the more the word traveled around the County, as to what was going on, because there are a lot of folks who didn't know what we were doing for one reason or another and it really doesn't matter what the reasoning was, but once the word got out that we were discussing, I think Jack mentioned single member districts down at Keystone, apparently that was a very hot issue as well as term limits. I think word traveled. Because people realized that this is serious business and these are some of the items that came up for a vote, came up for discussion and they were concerned.

Agresti: I was trying to find the discussion part as to why they felt we should have them or why they felt we shouldn't have them.

Parrish: You mean as far as these minutes are concerned?

Agresti: These minutes or any other minutes that we have.

Hall: We didn't have a quorum when that discussion came up.

Agresti: We didn't in Orange Park and we didn't discuss it, that's my point

Hall: You did.

Parrish: Yes, we did discuss it.

Agresti: We didn't discuss in depth the merits of having them or not having them.

Parrish: Mrs. Webb was there and I believe it was established because we didn't have a quorum it was rather a moot point. But in any event, I do know that Mrs. Webb did bring it up and I believe from there created the sentiment and therefore the petition.

Agresti: I realize there are people out there who want term limits and there are people out there who don't want term limits. What I was interested in finding out is hearing from each side why they want them and why they don't want them. And I want to find some valid reasons, I'm only one vote, so it doesn't matter, but I'd like to have my vote based on some logic other than somebody wants it or somebody doesn't want it. Because I've found people on both sides of that issue, so when you come down to voting, you have to find some logic in which argument makes the most sense. We should have them for these reasons or we should not have them for these reasons. And then whichever reasons make the most sense kind of leads you to a vote. We did not get into those reasons in Orange Park nor did we at the other meeting we discussed and whether we voted it in or out is really immaterial, but to date I haven't heard anybody's reason and I realize that I've missed some meetings and if you discussed it there, if you got into the meat of it, I'd like to see those minutes, but they weren't in here. And they weren't in the meeting I chaired. And I'd just like to hear somebody's logic as to why we should have them and why we shouldn't have them.

Irvine: Since it will be on the informal agenda next time, I would suggest that you all come armed with your reasons for and against and convince Jerry one way or the other. That will give us a little more official meeting time when we have it in place.

you. I'm Amelia Geisenburg from Keystone Heights and I believe that the real question at this point is that regardless of the validity of an argument for term limits or against term limits, that the people would really like the opportunity at the ballot box to vote their convictions whatever it is and that's really what most of us have been asking for.

Agresti: I understand that.

Geisenburg: And the City Council of Keystone Heights has passed two resolutions that will be forwarded to the Board of County Commissioners requesting that both single member districts and term limits be placed on the ballot to give the people a voice. The only cause that the City Council is championing is that of the people, not, they are not taking any position for or against either issue, only that the people be allowed to decide for themselves.

Agresti: If that were the case, we'd have 15 questions on there because we have a lot of things come up and not be put on the ballot....

Geisenburg: These two issues have become particularly important and a lot of public sentiment on it.

Agresti: And my question was why are they important and I'd like to hear everybody's input on that. But apparently this is not the time. I'll wait until next meeting.

Irvine: OK, great. Mary?

Mary Webb: I did go to the Orange Park meeting and I did express some views as to the reasons that I was interested in term limitations and I suppose everybody knows about Rostenkowski by now.

Irvine: Thanks, Mary, I guess we'll see you in Green Cove? Is there any other business to come before the Commission? The next meeting is June 13 in Green Cove Springs. Meeting is adjourned [8:06 p.m.].