

November 10, 1993

Chance Irvine  
2099 E. Winterbourne  
Orange Park, FL 32073

Dear Mrs. Irvine,

I was made aware of the contents of the County Charter a few months ago. I, like most of the Citizens of the county was told it would give more control of the county government to the people. When I started reading the charter, it didn't sound too bad until I got to Page 4, Paragraph 5, and it reads "the power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capitol improvements programs, salaries of County Officers and employees, the levy and collection of taxes, and the re-zoning of an individual parcel of land."

What else is left? In my opinion, very little. I have talked to hundreds of people throughout the county, and they are appalled that this clause would be in the county charter. It is for the politicians use alone, and not for the people.

Of, course, you will be told that you can vote the politicians out of office, but this takes a long time and doesn't address the real issue, which is to give the government back to the people who pay for it. When a tax is put on you, it is impossible to get it repealed, because the charter says you can't.

Respectfully,

Russ Darnell  
298 Collage DR.  
OP 32065

2640 Holly Point Road West  
Orange Park, FL 32073

2640 Holly  
Orange Park,

December 29, 1993

Mrs. F. Chance Irvine  
2099 E. Winterbourne  
Orange Park, FL 32073

Dear Chance,

Having attended all Charter Review Commission Sub-Committee meetings as well as the first Review Commission meeting chaired by you, I have come to the conclusion that the only input being considered to date is that provided by our elected officials.

Since the charter is supposedly a "home rule" document that provides for greater voter control of the government, I would like to offer my input for consideration by the Commission. First, I would ask that the feasibility of bringing other elected officials under the charter be studied. Initially we should look at the Supervisor of Elections, the Tax Collector, and the Property Appraiser as possible candidates. While I'm sure the incumbents will not endorse this recommendation, I do believe that these elected positions could be incorporated within the charter if the choice is offered to the voters.

Second, I strongly recommend that the charter be revised to ensure that the Comptroller functions be performed by a professional accountant directly under the supervision of the County Manager and not by the Clerk of the Court. If anyone doubts the need for a professional financial officer to prepare the Board of County Commissioner's annual budget and account for all revenues and expenses, they should seriously review the evidence provided to the States Attorney regarding the immediate past financial debacle.

Third, in order to preclude "career politicians" from perpetuating special personal interests ahead of the needs of the taxpayers of the county, I wholeheartedly recommend incorporating term limitations for all elected officials whose duties are within the purview of the charter.

My final recommendation for Commission review and revision was precipitated by a letter to the editor of the Clay Today from Mr. Russ Darnell regarding the limitations on voter initiatives contained in the current charter. I refer you to Article II, Section 2.2, paragraphs H(1) and H(5). In paragraph H(1), the charter states that "The electors of Clay County shall have the right to initiate County ordinances in order to amend or repeal existing ordinances....". It further describes the process by which this may be accomplished. A very complicated one I might add, that is designed, I'm sure, to preclude any frivolous initiatives. While, this paragraph provides for voter initiative and describes the process, paragraph H(5) appears to deny these same initiatives. The statement that "ordinance by initiative shall not include ordinances relating to administrative, or judicial functions of County government..."

December 29, 1993

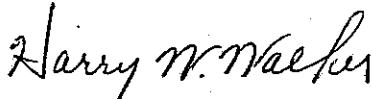
Harry W. Walker

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leaves no area available for voter initiative since the only function of county government is administrative, and not judicial as presently indicated by this paragraph. Therefore, if the only function of county government is administrative and ordinances pertaining to administrative functions are denied the voters, the voters have no initiative capability at all. While I do believe that certain types of ordinances would not lend themselves to voter initiative, such as the repeal of a bond issue, I believe they should be specifically identified in the charter in place of the present broad general statement. Furthermore, the specific exclusion of salaries of County Officers and employees grants the exclusive right of wage determination to the Board of County Commissioners without recourse to the voters and taxpayers of the county. Shades of the U.S. Congress! Who is the employee and who is the employer? If we, the taxpayers of Clay County are the employer, and we really are, then we should be accorded the final determination of wages paid to the employees!

Whether or not you or the other Commission members agree with these suggestions, I feel that by placing them on the agenda and making the voters aware of these issues, you will be fulfilling the intent of the authority granted the Charter Review Commission by the charter.

Sincerely,



Harry W. Walker

SAVE TIME-USE WINDOW ENVELOPES

SENDER FOLD ON ◀

REPLIER FOLD ON —



REPLY MESSAGE

DATE

12/28/93

SUBJECT

CHAPTER  
COM.

TO

CHANCE IRVING

MESSAGE

REQUEST WE HAVE MEETING OF  
ENTIRE COMMISSION SOON. MEMBERS  
MY COMMITTEE FEEL WE NEED  
TO HAVE ONE. HAVE TRIED TO CALL  
YOU FOR PAST WEEK - NO ANSWER - SO  
ASSUME YOU HAVE BEEN OUT OF TOWN  
FOR XMAS

SIGNED

Jack Truitt

REPLY

HAVE SUGGESTION TO ADD  
CAMPAIGN SPENDING LIMITS  
BE ADDED TO CHAPTER.

264-0912

SIGNED

DATE

SEND WHITE AND PINK COPIES WITH CARBON INTACT. PINK COPY IS RETURNED WITH REPLY

Changes to Clay county charter

- (1) Abolish the charter in its entirety. This document seems to grant citizens the right to petition for repeal of harmful ordinances. A close scrutiny of the language, however, disputes that claim. The guidelines for such action place it far beyond the reach of the average tax payer. As it now exist, this charter is just one more unjust means for the ruling conservatives to preserve their power base.
- (2) Amend 2.2 11 to read: The electors of Clay county shall have the right to repeal existing ordinances or to establish new ordinances upon petition of the qualified electors of the county. The number of signatures for a valid petition must meet or exceed 10% of the number of votes cast in the last general election.....  
When such a small number voting can elect officials and pass laws, it is reasonable to use this number for a petition. To burden the petitioner with such an immense volume of signatures only panders to the incumbent and makes a legal recall impossible.
- (3) Revise 2.2 H 2 The supervisor of elections should not be given authority to establish the restrictions for filing petitions. This power is already mandated to the commissioners by statute.
- § 4) 2.2 H2 Delete the following: "In the event sufficient signatures are not acquired in the one hundred twenty day period, the initiative shall be rendered null and void and none of the signatures may be carried over into another identical or similar petition."  
This ruling violates my 14th amendment rights by denying me to petition my elected officials..
- (5) 2.2 H3 The word "timely" should precede "public hearing". Meetings have been held that require citizens to lose time from work to attend. This accepted practice has resulted in our government being increasingly run by the special interests of the county.
- (6) 2.2H 5 Delete! Delete! Delete! This terminology assigns Dictatorial power to the commissioners for their full term of office!
- (7) S2.3 Executive Branch Sec 2c County Attorney: Delete this clause... This is only "payroll padding" by adding highly paid cronies to his staff. If this attorney can't do his job, he should be terminated! Don't prop him up with an additional waste of tax dollars!

Howard Pharr  
330 Cottonwood Lane  
Orange Park Fla. 32073  
Phone 269-0374

Input to Charter Review agenda

(1) Water and sewer: We bought Jimmie Rogers failing systems for 30M. He was allowed to keep the service fees, accumulated through the years for maintainance of the system. He now runs the same company for a handsome salary. With the bond we floated we will continue to pay him about \$200,000 per annum in interest for the next 30 years. Now the politicians want to award large chunks of our money to friends for two other "White elephants". (About 4.5M for a system servicing fewer than 400 customers. Do you think this is responsible government?

(2) Elected v appointed County Managers. Because of the wide range of authority of this office it should be filled by election. When 5 commissioners hold his fate in their hands, he may be unduly influenced by special interest that could exist in the BCC.

(3) Single member districts: No!! The members of the commission spend monies that are collected county wide. One sector should never be denied the rights to good government because of where he lives! This is another ploy by special interest to enhance their position at the expense of another sector of the county.

(4) Limit the term of elected officials: No!! The problems of corrupt government are not caused by length of term, but by quality of officials. We should strive to remove all bad politicians regardless of stay in office. We should never, ever turn out truly good officials after they have learned their job so well.

Howard Pharr  
330 Cottonwood Lane  
Orange Park Fla. 32073  
Phone 269-0374

BCC Meeting, Tue., Oct. 12, 1993. H. H. Rymer, Jr., Orange Park.

A strange thing happened on the first floor of this building on Friday afternoon, October 8, 1993. A meeting, advertised as a joint workshop of the Charter Review Committee and the Board of County Commissioners, was more of a platform for the elected officials of Clay County to voice their opposition to certain items being considered by the Charter Review Commission. Incidentally, the correct name is Charter Review Commission, not Committee. The meeting was not set up by the Board of County Commissioners, nor by the Charter Review Commission, but by another elected official.

A member of the Charter Review Commission questioned the propriety of the meeting since the Charter stipulates that after it is organized "Further meetings of the Charter Review Commission shall be held upon the call of the chairman or a majority of the members of the Charter Review Commission".

It is my understanding that this meeting came about after a County Commissioner prepared a memorandum for the elected officials of Clay County which listed the items to be considered by the Charter Review Commission. Apparently it created a lot of concern since most elected officials were there and voiced strong opposition to some of the items such as term limits, placing other elected officials under the Charter, and separating the budget and finances from the Clerk. Commissioners Bush and Jett were not present.

Certain commissioners did not hesitate to voice their approval of the present arrangement for handling the county budget and finances and one was much in favor of the "checks and balances" of the present arrangement. One commissioner is of the opinion that term limits are undemocratic, and one official wants the Charter repealed. The latter official also wanted the names of the citizens who had submitted items to the Commission for consideration. Shades of the Inquisition.

One of the members of the Charter Review Commission was of the opinion that the officials concern is premature. I agree. The items to be considered are in committee. If they get out of committee they will be considered by the entire commission, and their adoption requires a majority vote of the entire commission. Then there must be at least 3 public hearings. Also, I understand that the Commission plans to invite the officials to a meeting for their views.

For those who read between the lines, I say that something in Clay County is alive and well, but uneasy about the future.

The quotation in the second paragraph of the article is incomplete and therefore a half-truth and misleading. It is only the latter part of the second sentence of the Florida Constitution, Art. VIII, Sec. 1, par. (d). The first part of the sentence reads: "When not otherwise provided by County Charter or special law approved by vote of the electors".

The state constitution does not require the Clerk to be auditor and custodian of county funds; it permits it if there are no other provisions.

The Clerk is auditor and custodian of county funds only by default-- only because the Board of County Commissioners does not provide otherwise. So the whole truth is that the Clerk of the Court is auditor and custodian of county funds only because the BCC wants it that way. I wonder why?

The first part of the paragraph is also interesting. It provides for the election of county officers and then reads: "except when provided by County Charter or special law approved by vote of the electors of the County, any county office may be abolished when all the duties of the office prescribed by general law are transferred to another office".

CONSTITUTION  
OF THE STATE OF FLORIDA  
ARTICLE VIII

LOCAL GOVERNMENT

Sec.

1. Counties.
2. Municipalities.
3. Consolidation.
4. Transfer of powers.
5. Local option.
6. Schedule to Article VIII.

**SECTION 1. Counties.—**

(a) **POLITICAL SUBDIVISIONS.** The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment or apportionment of the public debt.

(b) **COUNTY FUNDS.** The care, custody and method of disbursing county funds shall be provided by general law.

(c) **GOVERNMENT.** Pursuant to general or special law, a county government may be established by charter which shall be adopted, amended or repealed only upon vote of the electors of the county in a special election called for that purpose.

(d) **COUNTY OFFICERS.** There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court; except when provided by county charter or special law approved by vote of the electors of the county, any county officer may be chosen in another manner therein specified, or 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.

(e) **COMMISSIONERS.** Except when otherwise provided by county charter, the governing body of each county shall be a board of county commissioners composed of five or seven members serving staggered terms of four years. After each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner residing in each district shall be elected as provided by law.

# Clerk serves as auditor

CLAY TODAY

AUG. 3, 1993

**GREEN COVE SPRINGS —** The legal authority for the county auditor comes from the state constitution. The constitution provides for the election of certain county officers including a Clerk of the Circuit Court.

## Clerk's Comments



John Keene

Further provisions specify that "...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."

The Supreme Court of Florida in the case of Alachua County v. Powers ruled that the Clerk is to act as county auditor on all auditing functions except when the Board employs an independent certified public accounting firm.

Pursuant to this legal authority, the Clerk has established the Internal Audit Department to supplement the responsibilities of the office as they relate to the auditing functions other than the pre-audit of disbursements from Board of County Commissioners' funds.

The pre-audit function is performed by the Clerk's Finance Department. The Internal Audit Department's responsibilities include a post-audit review of that function as well.

As authorized by Florida Statutes, the Board retains an independent certified public accounting firm to perform an annual financial audit of its accounts and records, including the accounts and records of the county officers named in Article VIII, section 1.(d) of the state constitution.

Internal Auditing is an independent appraisal function within the

organization for the review of operations as a service to management. It is a managerial control which functions by measuring and evaluating the effectiveness of other controls.

The objective of internal auditing is to assist members of the county organization in the effective discharge of their responsibilities. To this end, internal auditing furnishes them with analyses, appraisals, recommendations, counsel and information concerning the activities reviewed.

Fulfilling this purpose benefits officials as well as management by providing information about the adequacy and effectiveness of internal controls and the quality of performance in carrying out assigned responsibilities.

Fulfilling the primary purpose of the department also results in a secondary benefit of assisting the county's external auditors. The results of internal audits can be used by the external auditors to supplement their work, thereby reducing the increased cost of the external audit.

The scope of the department's authority includes any operation under the direction of the Clerk or the County Manager.

It also includes other functions for which the Board of County Commissioners provide financial support as separate entities in the budget or of which the Board is the ex officio governing body. Other constitutional officers are excluded.

The Internal Audit Department is an integral part of the organization and functions under the policies established by the Clerk. The department reports to the Clerk who is an independent constitutional officer elected by the people.

BCC. June 22, 1993. Budget Shortage/Public Hearing. H.H. Rymer, Jr. My belief is that "nothing just happens in politics". So the bigger question is, Why was the shortage discovered now, several months into the budget year? I check my balance every month, without being paid to do it. For me, the key word is responsibility.

According to the Florida Constitution, Art. VIII, Sec. 1. (d), any county officer may be chosen in a manner other than by election, or any county office may be abolished when the duties of the office are transferred to another office.

According to Florida Statute, Ch. 129, Sec. 129.025, each board of county commissioners may designate a county budget officer. Also, 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.

According to the Clay County Charter, Art. II, Sec. 2.3, A. (1)(b), the County Manager is to prepare and submit the annual budget and capital programs to the BCC and execute the budget and capital programs.

According to the Clay County Administrative Code, Art. III, Sec. 7.b., the County Manager is to assist the County's Finance Dept. in preparing and submitting to the Board an annual operating budget, a capital budget, and a capital program. But in Art. VI, Sec. 16, Departments, twelve (12) departments are listed, but a Finance Department is not listed.

The Grand Jury Report of 1982 described the Clerk of the Court as the de facto government of Clay County. 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 believed that the Comptroller duties--the financial duties--should be in the hands of a separate official. That was eleven (11) years ago. The previous Clerk had physically separated the duties in anticipation of the separation of the comptroller from the clerk. When is this Board going to follow the Florida Constitution, the Florida Statute, the County Charter, and the Grand Jury Report, and separate the duties of comptroller from the clerk?

Some questions come to mind. Why has this Board consistently failed to acknowledge its authority and responsibility in these financial matters? What undue influence prevents the members of this Board from being statesmen instead of politicians? What special interests gain from the status quo, or would lose from the change? I've heard a positive, constructive comment from only one of you? Where are the rest of you?