

**CHARTER REVIEW COMMISSION
AGENDA
December 8, 1997**

1. Review summary of previous Clay County charter meetings. (Nancy Keating)
2. Discussion/review of other county charters. (Dr. Clive Rayner)
3. Discussion of secretarial duties/job description. (Dr. Clive Rayner)
4. Discussion of proposed budget.
5. Review existing Clay County Charter (Article by Article).
6. Members presentation of concerns and issues.
7. Request for public comments (concerns and issues).
8. Wrap up and establish next meeting date.

Administrative Notes:

1. Nancy Keating to draft and issue article to local papers concerning the Charter Review Commission.
2. Danny Hamilton to provide copies of previous commission reports/documents for review.
3. Diane Melton to inform Mr. Scruby's secretary of time and place of next meeting for newspaper publication.

CHARTER REVIEW COMMISSION MINUTES
December 8, 1997

The Charter Review Commission met on Monday, December 8, 1997, 6:30 p.m., CRB, Fourth Floor, County Administration Building. Those in attendance are listed on the attached sign-in log. Those not in attendance were: Nancy Keating

1. Tabled summary of previous Clay County Charter meetings until the next meeting
2. Tabled the review and discussion of other county charters until the next meeting.
3. Commission unanimously agreed to utilize the clerical services of Ann Mitchell until further notice.
4. Discussion to submit a proposed budget to the Board still too premature. There is no information/data collected to warrant a request of funds from the Board. Chairman McDermaid requested that each member document and submit any expenses incurred for researching and obtaining information for the Commission and submit it to Treasurer, Diane Melton. Further, the Chairman requested Ann Mitchell to submit a record of the postage and clerical costs of mailing information to members.
5. Review of the existing Clay County Home Rule Charter (Article by Article).
After review and discussion of the Home Rule Charter, all Articles/Sections were agreed upon except for those listed below, of which will be revisited as an agenda item for further discussion and review at a later date.

→ARTICLE II ORGANIZATION OF COUNTY GOVERNMENT

Section 2.1 ELECTED COMMISSION AND APPOINTED COUNTY MANAGER FORM OF GOVERNMENT

To be revisited after the requests from County Manager has been reviewed and discussed.

Lengthy discussion was held concerning the growth of Clay County and the future need for an Assistant County Manager position. Further, discussion was held concerning the organizational structure of the county to determine if an Assistant County Manager is necessary. Motion made by O'Dann Richardson requesting County Manager, Robert M. Wilson provide to the Commission Clay County's organizational chart, department head salaries and their employees salaries, and department head job descriptions. Seconded by Tigger Megonegal, and carried 13-0, with Dr. Clive Rayner dissenting.

After further discussion the Commission unanimously amended the motion to exclude department head employees and department head job descriptions, to be revisited after review of the organizational structure if necessary.

→SECTION 2.2 LEGISLATIVE BRANCH

Request a district chart of the Commissioners.

- a. The County Commission Revisit
- e. Administrative Code Revisit

Request a copy of the current Clay County Administrative Code.

- f. Vacancies Revisit

Request "general law" be defined.

- g. Recall Revisit

Request "general law" be defined.

- h. Initiative
 - 1. Revisit
 - 2. Revisit

Request Supervisor of Elections to explain Section 2.2, h., 1 & 2 at a later date.

→SECTION 2.3 EXECUTIVE BRANCH

- A. The County Manager
 - b. Revisit
 - e. Revisit (Define general & special law)

→ARTICLE III - ELECTED COUNTY CONSTITUTIONAL OFFICES Tabled

→ARTICLE IV - HOME RULE CHARTER TRANSITION, ETC.

May revisit this section.

→ARTICLE IV 4.2 Home Rule Charter Amendments

- A. Amendments Proposed by Petition
 - 1. Revisit

Public Comments:

1. Norma Hawkinson, 1824 CR 209 B, Green Cove Springs, FL , 32043, expressed her opposition of County Commissioners being elected At-Large and representing districts. Stated that Commissioners should be elected from their own district and possibly two (2) more serving the county.
2. Larry Kirkman, former Chairman for the previous Charter Review Commission, addressed several Articles of the Charter and expressed his opinions with the Commission as follows:

Article 2 Section 2.3 - Provisions for Assistant County Manager

Previous Charter Commission did not provide for an Assistant County Manager in this section, but did provide for an Assistant County Attorney. His concern is that a county of our size may want to have provisions to hire an additional Assistant County Manager if they deemed it necessary.

Article 4 Section 4.2 - Home Rule Charter Amendments

Previous Charter Commission did not want to make it too easy for the electors of Clay County to make the rules and amend the charter. The Charter required 10% of the registered voters to amend the charter, as well as 10% of three (3) districts, which made amendments an overly difficult task. Mr. Kirkman explained that this section should be reviewed again.

Article 2 Section 2.2 G - Recall

It was the general consensus of the original Charter Review Commission to not address Constitutional officers in this section because the main purpose at the time was to propose a basic starter charter, one that would not impose opposition for the new charter. Mr. Kirkman expressed his opinion that it would be an advantageous opportunity for this Charter Commission to discuss Constitutional Officers being added to this section. Further, he explained that the Constitution has a recall provision for the governing body of any county or municipal body and the governing body is defined as the county commissioners. The Charter Review Commission may not recall a constitutional officer (not advocating a recall); however, the basic distinctions from a Charter County and a Non-Charter County with regards to a recall is that the Non-Chartered County has only those powers of a self-government prescribed by the State Legislature and a Charter County has all the powers of self-government unless they are inconsistent with the Constitution and State Law. State Statutes do not provide for initiative referendum or recall at the county level while a charter county may provide for initiative referendum at the county level. According to the House Committee of Ethics in 1987, a Charter can have a recall mechanism for Constitutional officers so they can be suspended by the Governor and removed from office.

Article 4 Section 4.2 B - Amendments and Revisions by Charter Review Commission.

Mr. Kirkman expressed his opinion of being in favor of term limits for the County Commission. He stated that every municipality in Clay County has term limits for officials and the County Commission was inconsistent with the majority of the county. Also, reviewing the Charter every four years seemed to be too much reviewing and this Commission may want to look at extending reviews to six or eight years. Further, the State Constitution is reviewed every 20 years.

3. Mr. Harold Rymer explained to the Commission the separation of duties between the Clerk and Comptroller. According to the Florida Constitution, 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 is transferred to another office. Each Board of County Commissioners may designate a County Budget Officer. Also,

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the Legislature finds that the duties of the County Budget officer do not fall within the Constitutional responsibilities performed by the Clerk of the Court as owner and custodian of county funds.

According to the Clay County Charter, the County Manager is to prepare and submit the annual budget and capital program. According to the Clay County Administrative Code, the County Manager will assist the county's finance department in preparing and submitting to the board, an annual operating budget, a capital budget and a capital program. Twelve departments are listed and not the finance department.

The Grand Jury Report of 1982 described the Clerk of the Court as the defacto government of Clay County. The report recommended a Charter form of Government or the separation of the duties of the Clerk of the Court and Comptroller. The Clerk at that time believed that the financial duties should be in the hands of a separate official. Mr. Rymer questioned when is the Board going to follow the Florida Constitution, the Florida Statutes, the County Charter and the Grand Jury Report and separate the duties of the Comptroller and the Clerk. He also questioned why this Board of County Commissioners has consistently failed to acknowledge its authority and responsibility in these financial matters.

Chairman McDermaid suggested the Commission meet for public hearings within all five (5) district locations to represent the entire county.

The next Commission meeting is scheduled for **TUESDAY, JANUARY 6, 1998, 6:30 P.M., Meeting Room 1**, (1st floor of the Tax Collector's office - outside sidewalk access to the left of the building)

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



Recording Secretary
Ann Mitchell