

**CHARTER REVIEW COMMISSION**

**December 10, 2001**

**7:00 p.m., MR1**

The Charter Review Commission met on Monday, December 10, 2001, 7:00 p.m., MR1, Tax Collectors Office, County Administration Building. Those in attendance are listed on the attached sign-in log. Those not in attendance were Tom Stallings, Una Cornelius, Bill Garrison, Kerry Page and Chris Rodatz.

**David McCall made a motion to approve the minutes of the November 13, 2001 meeting with a correction on page four paragraph 7, changing the name of Bill Watson to Jack Watson, seconded by Carol Vallencourt, motion carried.**

Previous 1997/98 Charter Review Commission (CRC) Chairman Steve McDermaid was present to share his experience and knowledge with the current CRC.

Mr. McDermaid informed the current CRC they would be acquiring a lot of information to determine if the Charter needs to be changed and the record established at the end of the process would be substantial. Mr. McDermaid explained that the previous CRC reviewed the Charter section by section, line by line, to fully understand and determine if any changes to the Charter were necessary. Mr. McDermaid encouraged the CRC to invite all of their elected officials including the Board of County Commissioners (BCC), constitutional officers, human resources director, commission auditor, planning director and finance director to answer questions and explain what their duties entailed. Mr. McDermaid commented that the Charter was a good working document and appears to be working well within the county, even though the previous CRC proposed five (5) measures for the ballot.

The following were the five (5) measures proposed.

1) Transfer of the Clerk's duties to the County Manager, 2) Establishing a Commission Auditor position (this position would not be implemented if the Clerk's duties did not pass), 3) Providing that constitutional officers should be subject to recall (the previous CRC felt that there would be value in having the constitutional officers subject to recall. This measure was not about term limits, but to level the planes so to speak. The CRC felt that if the public had a problem, this would be a mechanism for them to do something about it), 4) Revising the requirements for an ordinance by initiative, and 5) Revising the requirements for proposing Charter amendments by initiative. It was the previous CRC's opinion that these measures were reasonable and gave the public tools

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to work with if necessary. The term limit measure was used once by a citizen's initiative to propose term limits for the Board of County Commissioners. It was passed last election year.

Mr. McDermaid stated that the 1997/98 CRC discussed term limits and each member was either for or against it. The Supervisor of Elections provided most of the research and information used to make their determination of the term limit issue. The data consisted of the history of previously elected officials. It was the general consensus of the previous CRC to reject the proposal.

Mr. McDermaid informed the CRC that another issue discussed, but not acted upon, was if the BCC should be elected at-large or by district. The last CRC's consensus was they should be at-large because they served the county better.

Mr. McDermaid informed the Committee that the previous CRC determined that four (4) years was adequate for the review the Charter.

Mr. McDermaid informed the Committee that the previous CRC discussed the Supervisor of Elections being changed to a non-partisan position. This issue was not acted upon.

Chairman Smallwood opened the floor for questions.

Mr. Scruby asked Mr. McDermaid how the previous CRC began to acquire issues for discussion.

Mr. McDermaid explained that they began analyzing the Charter paragraph by paragraph, discussing each section individually. Homework was assigned to various members of the group with regard to certain sections of the Charter and brought back to meetings for further discussion. Some of the issues placed on CRC agendas for discussion were already taking place within the county such as the Clerk's duties.

Chairman Smallwood asked CRC member Howard Koss, who was also a previous CRC member, if he had any comments or issues he wanted to share. Mr. Koss stated that he joined the CRC in the middle of its process and observed very strong personality issues among the group. Mr. Koss did not have any comments about the previous CRC. Mr. Koss asked Mr. Scruby if he remembered anything pertinent about that particular CRC group since he was helpful in their organization.

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Mr. Scruby commented that he remembered that this particular CRC group brought term limits to the table for discussion and was very close to bringing it to closure on more than one occasion early in the process. The issue failed when the time came to vote on the measure. Mr. Scruby further explained that the past CRC declined to move forward with the term limits issue. The term limits that are now part of the Charter was initiated by a citizen and was placed on the ballot and passed. The measure was effective January 1, 1999.

Mary Cooperman asked Mr. McDermaid if the last CRC had a sense of the citizen's desire for term limits then.

Mr. McDermaid explained that the largest show of the community was at the meeting when term limits was on the agenda. The issue died during the vote process.

Chairman Smallwood thanked Mr. McDermaid for bringing his experience and knowledge to the CRC Committee.

Chairman Smallwood informed the CRC that he had reviewed the records of the previous CRC to get a sense of how to begin the process of bringing issues forward for discussion. He asked Mr. Scruby to clarify the measures determined by the previous CRC and how they were placed on the ballot.

Mr. Scruby explained that five (5) measures were placed on the ballot and all passed as follows: 1) transfer of the Clerk's duties to the County Manager, 2) establishing a Commission Auditor position, 3) providing for the Constitutional Officers to recall, 4) revising the requirements for an ordinance by initiative, and 5) revising the requirements for proposing amendments of an ordinance by the Charter.

Joe Hutchinson asked who the CRC could speak to under the requirements of the Sunshine Law.

Mr. Scruby explained that issues currently on the table should not be discussed. Once they were resolved they could be discussed among each other.

Chairman Smallwood recommended the CRC practice the Robert's Rules for Order casually. He suggested that one person speak at a time, be respectful of each others views and opinions, don't dominate the floor and give each person enough time to

speaking. Further, Mr. Smallwood stated that this CRC is undertaking a task to intellectually research and determine changes and/or opportunities for improving our County Charter. Our CRC group should try to keep their emotions to a minimum and the intellectual discussion at the premium.

Jack Watson stated that he felt the Charter was the issue on the table and it was not the job of this CRC to micro-manage county government.

Chairman Smallwood suggested that each member openly comment what issues were important to him or her and from that, a list be created and discussed one at a time. The issues determined not to be important will be eliminated quickly to move on to those that are.

**Potential issues to be discussed:**

1. Glen Dutcher

Members of the County Commission running as single member districts vs county-wide, at-large members. Mr. Dutcher asked Mr. Scruby if the BCC were to run for single member district if they would still be subject to recall.

Mr. Scruby stated that he would have to research to determine if they could be recalled.

2. Howard Koss

Mr. Koss inquired if the Charter would cover the Supervisor of Elections ballots.

Chairman Smallwood commented that he believed that the County has no control over the structure of the election office.

Mr. Scruby explained that they followed Federal Law and Consent Order. It was determined that this was not a Charter or County issue.

3. Shu Shu Wilkinson

Informed the CRC that he had no issues to address at this time. He would like to defer his issues until he had heard from the constitutional officers, county commissioners, county manager and anyone else invited before he comments.

4. Mary Cooperman:

Discuss the County Manager's authority and delegation and term limits for constitutional officers.

Mr. Scruby suggested that a copy of the Administrative Code be given to each member, which would help explain what the internal policies of the county are. The Administrative Code specifies what the department is and how it will perform. The Florida Statutes mandate that Charter Counties must provide an Administrative Code for their county.

5. David McCall  
Discuss the County Manager and his duties.
6. Carol Vallencourt  
Review the Administrative Code and the organizational structure of the county.
7. Joe Hutchinson  
No comment at this time.
8. Orlin Pass  
No comment at this time.
9. Jack Watkins  
No comment at this time.
10. Chairman Ken Smallwood
  1. Organizational structure of the county government
  2. Discuss an assistant county manager position
  3. Term limits for constitutional officers (if this body 4 years ago debated term limits for commissioners heatedly, passionately and unsuccessfully and did not put it on the ballot; then a citizen referendum did get it on the ballot passing overwhelmingly, is our duty for us to put it on and let the citizens decide.
  4. Identify some locations for meetings
  5. Invite all of the elected officials to visit
6. Our current referendum policy is 10% of the last election count. This means that of 45% of the electorate vote, only 4.5% of electorate is needed to get a referendum on the ballot. I believe it should be 10% of registered voters.
7. List of potential invitees to critique of the existing Charter.

After discussion, the CRC unanimously agreed to invite County Manager Bob Wilson, Human Resources Director/County Coordinator Bill Green and Commission Auditor Margie Shannon to the next CRC. A letter of invitation will be sent to each of them.

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Chairman Smallwood recommended that each member prepare questions for their guests.

Chairman Smallwood requested that the recording secretary provide a bulleted list of the above mentioned issues for the CRC to discuss.

Mr. Scruby informed the CRC that they must steadily move forward with their issues to ensure they will be thoroughly discussing each issue to determine if they will become a measure for placing on the ballot. Mr. Scruby further explained that all meetings should be completed by Monday, July 15, 2002.

Chairman Smallwood recommended scheduling the second and fourth Monday for the first four months of 2002. Tentatively, the meetings will be scheduled January 14<sup>th</sup> and 28<sup>th</sup>, February 11<sup>th</sup> and 25<sup>th</sup>, March 11<sup>th</sup> and 25<sup>th</sup>, April 8<sup>th</sup> and 22<sup>nd</sup>, May 6<sup>th</sup> and 20<sup>th</sup>, June 17<sup>th</sup> and July 1<sup>st</sup> and 15<sup>th</sup>. June 17<sup>th</sup>, July 1<sup>st</sup> and July 15<sup>th</sup> can be utilized for the required public hearings if necessary.

**Unanimously, the CRC agreed to schedule the next meeting on Monday, January 14, 2002, Tax Collector's MRI at 6:30 p.m.**

Chairman Smallwood stated that this CRC should make an effort to receive input from citizens on any issue. The CRC should schedule public hearings in various parts of the county to be sure all citizens have a chance to voice their opinions on any of the issues.

Chairman Smallwood opened the floor for any public comments. There being none, he closed the floor and opened for adjournment.

**Motion made by Jack Watkins to adjourn, seconded by Orlin Payne, motion carried.**

There being no further business, the meeting adjourned at 8:20 p.m.

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**Ken Smallwood, CRC Chairman**

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**Recording Secretary**