

# **Final Report**

**Columbia County Charter Commission**

**September 5, 2002**

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## INTRODUCTION

This Report is submitted as part of the work of the Columbia County Charter Commission. The Charter Commission was established by resolution of the Columbia County Board of County Commissioners in 2001 pursuant to Part II of Chapter 125, Florida Statutes.

The 15-member Charter Commission operated independently of county government. Its mission was to study the operation of county government and the ways in which it might be improved or reorganized, and to develop a proposed charter to be submitted for public referendum.

After their appointment, the Charter Commission conducted an organizational meeting to select a chair and vice-chair. The Commission subsequently adopted operating rules and a budget. They also identified issues to be examined and adopted a work plan to study issues, take public testimony and make recommendations to the public for policies to be included in the proposed charter.

The Charter Commission conducted 19 meetings and hearings to receive testimony from members of the public, civic leaders and local government officials. Members of the Charter Commission devoted over 700 hours of personal time in attending meetings, receiving testimony, debating policy options and drafting the charter. They served without compensation.

Three public hearings were held and extensive public notices were provided for the hearings.

## COMMISSION MEMBERSHIP

The Columbia County Charter Commission was composed of the following individuals:

Thomas Brown, Chair  
Michael Null, Vice Chair  
Emory Laverne Bailey  
Richard R. Bicknell  
Audrey Bullard<sup>1</sup>  
Mario A. Coppock  
Ozell Graham  
Leandra Johnson<sup>2</sup>  
Seeber R. Johnson  
Wilson Edsel Parker  
James L. Poole, Jr.  
David N. Rountree  
Wilton Terrell  
Delton Turberville  
Ray Walker  
Richard Weizenecker, MD

### Staff

Kurt Spitzer of KSA Governmental Consultants, Tallahassee, provided consulting services for the Charter Commission. Legal Counsel was Allen Watts, of Cobb and Cole, Daytona Beach.

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<sup>1</sup> Appointed June 20, 2002.

<sup>2</sup> Resigned April 14, 2002.

## RULES OF THE CHARTER COMMISSION

During the early stages of the Charter Commission's work, it adopted Roberts Rules of Order to govern its meetings and decision processes. However, the Charter Commission voted to impose additional requirements on itself as relates to other operating procedures.

The Commission decided to require an affirmative vote of at least two-thirds of its membership present at a meeting for final adoption of recommendations. Recommendations that changed current practice in Columbia County government would therefore require a two-thirds vote. If a two-thirds vote could not be obtained, then the current practice in Columbia County would be retained in the charter.

## ISSUES CONSIDERED

Early in the process, staff provided the Charter Commission with a summary overview of each of the possible revisions to service delivery mechanisms or changes to county structure that were available via a charter form of government. The Commission discussed each option and thereafter decided whether the subject deserved further consideration.

Issues identified for further discussion were included in a "Decision Agenda." Items identified for inclusion in the Decision Agenda were added to the remaining balance of the Charter Commission schedule and more detailed briefing documents were prepared by staff for the review and consideration of the Charter Commission.

1. Charter Review and Amendment Process – The composition of and frequency with which a Charter Review Commission is constituted within the charter. Amendments to the charter proposed by the Board of County Commissioners. Amendments to the charter proposed by the electorate via a petition process.
2. Constitutional Officers – The offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections and Clerk of the Court. Alternatives to the way in which the offices and officers are structured and budgeted, their services are delivered and how they interact with the Board of County Commissioners. Policy on salaries, recall and non-partisan elections.

3. County Attorney – Whether the County Attorney should be hired/fired by the Board of County Commissioners. (Columbia remains the only county in the State of Florida that selects its chief legal advisor by direct vote of the electorate.)
4. County Departments - The initial departments that should be specified in the charter and policy on hiring and termination of department heads.
5. County Manager – The Board of County Commissioners has adopted the County Administrator form of government by ordinance, although that can be changed at any time. The county manager form of government may be required by the charter itself and may be repealed only by vote of the electorate.
6. Countywide Ordinances – Whether the charter should provide that ordinances adopted by the County Commission may set policy throughout the entire county. The subject matters (if any) in which county policy should prevail over municipal ordinances and whether municipal ordinances can be more stringent than those of the county.
7. Elected County Chairman or Executive – Whether the charter should specify that the voters of Columbia County directly elect the head of the administrative branch.
8. Functional Consolidation – Whether the authority to administer certain departments or programs should be transferred from municipal government to the county.

9. Ordinances by Citizen Initiative – The methods by which the electorate may propose ordinances by petition. The degree to which limitations are placed on ordinances proposed by such means. The percentage of electors required to sign a petition in order for such ordinances to be presented to the Board of County Commissioners or the public on the ballot.
10. Partisan Elections – Whether the members of the County Commission or the Constitutional Officers should be elected on a partisan or a non-partisan basis.
11. Planning Powers – Whether the charter should provide for a more extensive planning process on a countywide basis.
12. Recall – Should statutory policy on recall be made applicable to the other elected county (Constitutional) officers, in addition to County Commissioners?
13. Residency – Commissioners are currently required to live in their district when holding office. Charters may provide that they are required to live in their district at the time of qualifying to run for office.
14. Salaries – A population driven formula established by state law currently sets Salaries of the County Commission and County Constitutional Officers. Charter may prescribe alternative systems for setting salaries.

15. Term Length – County Commissioners’ terms are currently four years long. Charters may provide for alternatives to the typical length of a term of office.

16. Term Limits – Limitations on the number of consecutive times a County Commissioner may run for re-election to his or her seat on the County Commission.

17. Utility Tax – Whether to limit the power of the Board of County Commission to impose the “utility” or public service tax in the unincorporated area of the county.

The question of the districting methodology and number of County Commissioners was also discussed but not added to the Decision Agenda. The Board of County Commissioners currently consists of five Commissioners elected from single-member districts. While charters can provide for different numbers of Commissioners and a wide variety of districting schemes, the system in Columbia is the result of an order from the federal court. Changing the system would require revisiting the Order. The Commission felt that there was not sufficient time to pursue consideration of alternatives. However, if the voters adopt the charter, alternatives could be considered at a later date.

After discussion and debate, hearing testimony at numerous public meetings and three public hearings, the Charter Commission voted to retain much of the current structure and policies that currently exist in Columbia County government.

There were several reasons for retaining current practice. Generally, some members of the Charter Commission felt that current practice was sound and not in need of change. In other cases, while there may have been majority support for change in current practice, there was not support of a “super-majority” (i.e. 2/3 majority) as required by the Charter Commission’s operating rules.

Finally, many Charter Commissioners recognized that adopting the charter itself is a major step toward further examination and possible review at a later date. The Charter Commission intentionally required the first Charter Review Commission to begin its work in 2005, thereby assuring a comprehensive review after the full impact of the charter is realized but well before the normal 10-year cycle for regular reviews.

## POLICY CHANGES OF FINAL CHARTER

The final document adopted by the Charter Commission contains several revisions to current practice:

1. County Commission - The Charter retains a five-member Board of County Commissioners elected from single-member districts. Unlike the current system, the Charter requires that candidates for County Commission reside in the district in which they are running at the time that they qualify for office, in addition to maintaining such residency after being elected. The charter also provides that they are elected on a non-partisan basis
2. Ordinances by Citizen Initiative – County ordinances may be proposed by petition of the voters in Columbia County. Petitions proposing such ordinances must be signed by at least 7% of the electors qualified to vote in the last general election. That percentage must be obtained in at least three of the five Commission districts, in addition to being obtained countywide. Such ordinances are limited to one subject matter. Signatures for such petitions must be obtained within six months after the process is initiated.

Proposed ordinances that receive the requisite number of signatures are first presented to the County Commission for their consideration. If the County Commission does not vote to adopt the proposed ordinance, they are required to call a referendum on the ordinance

at the next general election. Ordinances so proposed may not include matters relating to the administrative or judicial functions; the county budget, debt obligations or Capital Improvement Plan; salaries of county officers or employees; the assessment or collection of taxes; and, any matter inconsistent with the laws or Constitution of Florida.

3. Recall - The charter provides that members of the County Commission may be recalled from office in accordance with state law. The Governor retains the right to suspend any County elected official from office.
  
4. Constitutional Officers - The County Constitutional Officers positions are retained without changes to their powers, duties or independence. All are made subject to recall in accordance with state law and are elected on a non-partisan basis.
  
5. County Manager – The Board of County Commissioners is required to employ a County Manager to discharge the executive and administrative duties of the County. The County Manager is retained based on qualifications. He or she is hired by a simple majority vote of the County Commission and may be terminated by a simple majority vote occurring at two successive regularly scheduled meetings. The charter provides for the separation of legislative functions from the executive/administrative duties in county government. The Board of County Commissioners exercises all county legislative powers and the County Manager exercises all administrative powers.

6. Countywide Ordinances – The charter empowers the Board of County Commissioners to adopt ordinances on a countywide basis in those policy areas where logic dictates uniform policy. The subject areas where such uniform ordinances may be adopted are: Adult entertainment; environmental protection; animal control; outdoor burning; hours of sale of alcoholic beverages; firearms and weapons; and, levels of services standards for county roads. City governments are still permitted to adopt ordinances in the above subject areas that are more stringent within their borders.
  
7. Redistricting – The Board of County Commissioners is required to reapportion the Commission districts in the first odd-numbered year after each decennial census. Such districts shall follow the existing boundaries of the municipalities where possible and be as nearly equal in population as possible.
  
8. Charter Amendments – After adoption by the voters, the charter may be amended only by a vote of the people. Amendments may be proposed from one of three sources: Petition of the voters; an extraordinary vote of the County Commission; or, by a Charter Review Commission, which meets every 10 years.

Citizen petitions to amend the charter must contain signatures equal to at least 10% of the electorate qualified to vote in the last general election and must contain that percentage in at least three out of the five County Commission districts. Such petitions may not embrace more than one subject. Charter amendments offered by petition have similar limitations on subject matter as do ordinances proposed by initiative.

Amendments may also be proposed by a vote of not less than four members of the Board of County Commissioners. Amendments so proposed are not limited to a single subject.

A Charter Review Commission is required to be appointed by the Board of County Commissioners every 10 years, with the first Review Commission to be organized in 2005. Charter Review Commissions are appointed in a similar manner as are Charter Commissions.

If amendments to the charter are proposed by the Charter Review Commission, the Board of County Commissioners must schedule a referendum on the proposed revisions or amendments concurrent with the next general election. Amendments so proposed are not limited to a single subject. The Charter Review Commission may remain in existence until the election for the purposes of conducting and supervising a public education and information effort on the proposed revisions. The Board of County Commissioners shall fund the operations of the Charter Review Commission.

9. Utility Tax Prohibition – The charter specifically provides that the County Commission is prohibited from adopting a municipal utility tax.

**APPENDIX A**

**Resolution of the Board of County Commissioners  
Establishing the Columbia County Charter Commission**

**RESOLUTION NO. 2001R-34  
COLUMBIA COUNTY, FLORIDA**

**RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS, COLUMBIA COUNTY, FLORIDA,  
ESTABLISHING A CHARTER COMMISSION.**

**WHEREAS**, the Columbia County Board of County Commissioners voted at its regular meeting on August 2, 2001 to establish a Charter Commission pursuant to Section 125.61, Florida Statutes, for the purpose of conducting a comprehensive study of the operation of county government and ways in which the conduct of county government might be improved or reorganized and proposing a county charter for consideration by the citizens of Columbia County;

**NOW, THEREFORE, BE IT RESOLVED** by the Columbia County Board of County Commissioners in regular session duly assembled that:

1. Pursuant to Section 125.61, Florida Statutes, and other applicable law there is hereby established a Charter Commission.
2. The Charter Commission shall conduct a comprehensive study of the operation of county government and of ways in which the conduct of county government might be improved or reorganized.
3. The County will receive complete applications from interested persons for appointment to the Charter Commissioner. The Charter Commission shall be composed of fifteen (15) members to be appointed from applicants by the Board of

County Commissioners within thirty (30) days of the adoption of this resolution. Each Commissioner shall nominate three members. In the event a nominee is not appointed by the Board, the Commissioner who made the nomination not gaining appointment shall make such additional nominations as are necessary until full membership on the Charter Commission is achieved. In the event of a vacancy on the Charter Commission, the County Commissioner who nominated the member creating the vacancy shall nominate a member(s) to fill the vacancy(ies) until the vacancy is filled within thirty (30) days of such vacancy.

Members of the Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

4. The Charter Commission may employ a staff, consult and retain experts, and purchase, lease, or otherwise provide for such supplies, materials, equipment and facilities as it deems necessary and desirable. Expenses of the Charter Commission shall be verified by a majority vote of the Commission and shall be forwarded to the Board of County Commissioners for payment from the general fund of the County.

5. The Charter Commission shall elect a chair and vice-chair from among its membership. Further meetings of the Commission shall be held upon the call of the chair or a majority of the members of the Commission. All meetings shall be open to the public. A majority of the members of the Charter Commission shall constitute a quorum.

6. The Charter Commission may adopt such other rules for its operations and proceedings as it deems desirable.

7. Members of the Charter Commission shall receive no compensation but shall be reimbursed for necessary expenses pursuant to law.

8. The Charter Commission shall in all respects comply with the Florida Government in the Sunshine Law.

9. Within eighteen (18) months of its initial meeting, unless such time is extended by appropriate resolution of the Board of County Commissioners, the Charter Commission shall present to the Board of County Commissioners a proposed Charter, upon which it shall have held three (3) public hearings at intervals of not less than ten (10) nor more than twenty (20) days. At the final hearing the Charter Commission shall incorporate any amendments it deems desirable, vote upon a proposed charter, and forward said Charter to the Board of County Commissioners for the holding of a referendum election as provided by law.

**UNANIMOUSLY PASSED AND ADOPTED** by the Board of County Commissioners at its regular meeting this 30<sup>th</sup> day of August, 2001.

**BOARD OF COUNTY COMMISSIONERS  
COLUMBIA COUNTY, FLORIDA**

By: *Dewey A. Weaver*  
Dewey Weaver, Chairman

**APPENDIX B**

**Agendas and Minutes of the Columbia County Charter Commission**

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX  
372 W. DUVAL STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**AUGUST 12, 2002**

**7:00 P.M.**

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1.    \*Call to Order  
      \* Invocation  
      \* Pledge to U.S. Flag  
      \* Roll Call  
      \*Approval of Minutes
2.    \* Mr. Tom Brown, Chairman, Columbia County Charter Commission  
      (a) Introduction of Charter Commission Membership  
      (b) Introductory Remarks by Chairman
3.    \* Mr. Kurt Spitzer, Charter Consultant  
      Spitzer & Associates  
      (a) History and Significance of County Charter Government  
      (b) Review of the Draft Charter for Columbia County
4.    \* Mr. Tom Brown, Chairman, Columbia County Charter Commission  
      (a) Opening of Public Hearing and Comments from Public  
      (b) Closing of Public Hearing
5.    \* Tom Brown, Chairman, Columbia County Charter Commission  
      Consideration of Proposed Charter  
      (a) Consideration, discussion and adoption of any Proposed Amendments  
          to Tentative Charter  
      (b) Consideration and adoption of Final Charter, Ballot Title and Ballot  
          Summary
6.    \* Tom Brown, Chairman, Columbia County Charter Commission  
      Discussion of Public Education Effort
7.    \* Tom Brown, Chairman, Columbia County Charter Commission  
      Discussion of Final Report to Board of County Commission
8.    \* Tom Brown, Chairman, Columbia County Charter Commission  
      Other Business
9.    \* Adjournment

**August 12, 2002 minutes are pending approval during September 18, 2002 committee meeting.**

**PROPOSED**  
**Columbia County Charter Commission**

August 12, 2002  
7:00 P.M.

The Columbia County Charter Commission met at the School Board Administration Office.

The meeting came to order. Invocation followed the Pledge of Allegiance to the flag of the United States of America.

**ROLL**

Deputy Clerk Sandy Markham took roll call.

**Commissioners Present:**

Wilton Terrell, Richard Weizenecker, Ray Walker, Tom Brown (Chairman), Jim Poole, Ozell Graham, Edsel Parker, David Rountree, Audrey Bullard Delton Turberville, Seeber Johnson, Mike Null and Rick Bicknell.

**Commissioners Absent:**

Emory Bailey and Mario Coppock were absent due to prior Commitments.

**Introduction**

The Chair introduced the members of the Charter Commission as well as Consultant Kurt Spitzer and Attorney Allen Watts.

The Chair recognized Deputy Clerk Sandy Markham from the Clerks Office who has served as the secretary to the Charter Commission, and Assistant County Coordinator Lisa Roberts who has served as Clerk. He thanked Ms. Markham and Ms. Roberts for the excellent service they have provided to the Committee over the past eleven months.

### **Comments by the Chair**

Chairman Brown explained the purpose of the public hearing was to receive input and consider suggestions from the citizens regarding the draft charter, and to consider amendments to the charter. He asked that anyone wishing to speak fill out the *Appearance Request Form* and submit.

Chairman Brown was hopeful that citizens have taken the opportunity to review the published draft charter. He advised that copies of the proposed charter are still available at the Columbia County Public Library and at the Board of County Commissioners Office.

### **Summary Presentation**

Mr. Kurt Spitzer gave a summary of the Charter. See the minutes of July 29, 2002 for details. **The draft Charter is attached.**

### **Public Hearing**

**Lee Lewis**, the Chamber President spoke first. He shared numbers recently discovered and obtained from the Department of Banking and Finance, Local Government Financial Reports for the fiscal years 94/95 through 98/99. He provided the following: As a state, the tax burden per person for counties that operate under a constitutional form of government is \$377.66, while the tax burden for charter citizens is \$490.06. He said, "That is almost 30% more money in taxes for citizens living in charter counties." He explained the State divided into four regions and the result was that charters for this region operate at a cost of \$572.99 per citizen, while the constitutional government cost \$328.15 per citizen. He said, "This is still a significant difference."

He said that another interesting fact is that overall it cost citizens \$890.84 to operate Columbia County. The number appears significantly lower than the 1999 figures of other constitutional counties in this region who showed an average of \$1040.21. He pointed out that the cost to operate charter counties came in at \$2,622.69. He expressed that he is proud to find that Columbia County still strives to keep operational costs below average, and feels that the numbers speak for themselves. He closed by saying, "I think it is very important and vital that the citizens realize the actual dollars in cost associated with operating a charter form of government, as opposed to the constitutional form of government." **See the attached report.**

**Dave Cobb** - In relation to paragraph 6.1 of the draft charter he explained, "We have a representative form of government in the county, and we elect commissioners to represent us. He feels it is the commissioners' function to propose and enact legislation. In his opinion, he believes the initiative process for proposing legislation should be more restrictive and that it should not bypass the county commission unless it is an extreme case. He said, "I would suggest that that percentage be increased significantly."

Regarding paragraph 8.3.2 - Petition Amendments. He offered that if a charter is put into place that it should be similar to the nature of the Constitution of the United States, and it should be difficult to change. He said, "It should be a good solid framework, for us to fall back on. Unlike the way the State Constitution works. Amending it should be difficult as is with the Constitution." He suggested the percentage be increased to 15 - 20 percent.

**County Coordinator Dale Williams** provided comments relating to the issues that individual members of the Charter Commission indicated from the last meeting they would propose at this meeting. Mr. Williams explained draft wording has been prepared for consideration, and that he doesn't want to offer alternative wording, but instead he offered the following information to be considered.

**Redistricting** - Historically, the Columbia County Commission and the Columbia County School Board have always strived to have the same districts. This makes it easier for the voting public. In addition, there has always been a goal to ensure that no voting precinct within a district or a district itself splits a congressional or state line. That is the reason redistricting has not taken place. He explained that the Supervisor of Elections waited until the State and Congress created their various lines. He said, "If you don't do that, and you redistrict as the charter proposes then you will basically be left with using the voting precinct as its cell as a way to adjust. He said, "Everyone needs to understand that a voting precinct comes with a cost. Therefore, adding more precincts will increase operational expenses.

**Auditor Independence** - Understandably accounting standards have been brought to the forefront and should rightfully should be addressed. Mr. Williams said, "My big concern with the auditor independence language is that "We may be throwing the baby out with the bathwater." It is an absolute prohibition against any type of management, budget or financial services to be provided under non-audit services. The State Auditor General as a requirement of law always adopts the accounting standards by which auditors are bound. He explained that he sees no conflict with the outside auditor performing the outlined duties as they are intended and presented in the draft charter. However, he said there is clearly a problem with an external auditor giving management and investment advice. He asked that an out and out prohibition be considered.

**Commission/ Board Auditor** - Mr. Williams felt some were not aware until recently that there is already in place, an internal auditor position within the Clerk of Courts office, and has been for approximately 17 years. Mr. Dale Williams stated that he has had the opportunity to speak with DeWitt Cason, the Clerk of Courts regarding a Commission Auditor position. Per Mr. Dale Williams, the Clerk has stated that should the charter pass and a Commission Auditor be put in place, he (DeWitt Cason) has no intentions of deleting the internal auditor position that is now in place since he legally has certain obligations.

**Gail Cannon** asked, "Are you sure you want to keep the constitutional offices outside of the charter? By making these offices charter offices without changing their

duties or structure, wouldn't there inclusion make a more seem-less charter when future review commissions look to make improvements?" She agreed that the Review Commission should meet in four years since it will be at a general election, but disagreed with waiting ten years for a review commission to meet. She said, "That seems too long." She suggested every 6-8 years. She recommended some type of legal review be done of the petition items prior to being placed on the ballot. She recognized this would be an expense, but felt it would be cheaper than resolving the issues in court at the taxpayer's expense in the future, because it has been determined that the ballot item was unconstitutional or illegal. Finally in 8.3.2 - Amendment by petition says it must be consistent with state constitution or general law. She said the charter gives no one the responsibility to see that "it" is done.

**C.W. Gilbert**, a Bronson, Florida resident spoke. He complimented Kurk Spitzer for a job well done in his works with the charter in Bronson. He feels Columbia County is fortunate to have a man of Dale Williams' stature to serve in the County Coordinator position. He criticized the number of government related members serving on the Charter Commission, and especially criticized Commissioner Walker for his arrogance. He said, "To believe the County cannot set term limits is preposterous!" He asked that if the Commission elects a "no salary cap," to consider inserting a provision into the charter that will establish a salary setting committee made up of citizens with no government related connections. He urged the Commission to reconsider term limits, because in his opinion he feels it has proven to be one of the healthiest processes available to citizens. Regarding recall, he suggested it not be handled by general law, but by "the people."

**Mary Rountree** - She provided feedback on items expressed and being considered by the Chair at the last meeting. She indorsed the idea of salary caps. She feels the number of signatures required through citizen initiative to get an issue on the ballot should be somewhat stern, but not virtually impossible. She feels voter apathy should be considered when deciding the number of required signatures. She suggested that educational efforts be made to explain what is in the charter, and answer questions regarding the charter.

**H.L. Sistrunk** - He feels term limits was really never a concern to the commission. He also feels the charter review commission could be a commission that watches over the county commissions, that since citizens don't show up at the meetings the Board of County Commissioners feel it is their money to do what they want, and he complained that the Commissioners changed the road names which has resulted in a historical loss for the county.

**Bruce Drawdy**, a Chamber of Commerce Government Relations Committee "GRC" member spoke. He said the GRC would like to have a few issues clarified such as the taxing authority under the proposed charter if it were to be passed. He said there was also concern over a yearly review committee. If the charter passes, it should not be reviewed every year, but the charter should be given an opportunity to work. He feels amendments should be as difficult as possible so the ballots are not littered with senseless amendments that have been given little thought. He agreed that citizens should have a

right to utilize citizens initiative, but not without an effort. He would like to see economic development addressed in the charter. Finally, he said, "For all comments provided by citizens of other counties, I'd like to ask that their comments be disregarded as they haven't been able to solve the problems in their own counties. They need to fix theirs before they tell us how to fix ours." There was an echo of sentiment.

**Coy Williams** said the Charter has a lot to be desired. He feels the charter has deliberately been drafted to make things impossible for the citizens to change. He feels this action is one of the causes of voter apathy. He asked if term limits is a violation of the law, what law was being violated, and if there is a violation, how is it that there are so many others in the government that serve under term limits. He still contends as in previous meetings that constitutional offices should be abolished and brought under the charter, but that their salaries and duties be left alone. Redistricting should be on population. He said, "Districting should be done according to the national census and not on a system that lets the commissioners gerrymander the districts so they can choose who they want to be in office."

**Charles Esposito, a/k/a as Chuck Shane** said that he found it interesting that only four of the fifteen members of the Charter Commissioners attended County Commissioners meetings in the past five years. Three of the four who attended have at some time or the other expressed an interest in running for office. He said, "If this Board was created to review, update, modify, or confirm, why hasn't any of the Charter Commissioners bothered to visit the Board to see what the Board of County Commissioners do at their meetings?"

Mr. Shane said he feels one of the reasons the charter commission was created happened during the five cents gas tax public hearing. He said, "A man that is now a member of your board asked the Board of County Commissions why not put the tax on the ballot?" The response from a Board member was, "They would turn it down. They aren't smart enough to know what we know, and this is the best way to finance it."

Mr. Shane said the night the Charter Commission was created, one of the commissioners said, "Each commissioner should nominate three people from his district to that Board." Shane recognized the commissioner that said that could have misspoke, but he still doesn't understand why a commissioner would go outside of his district to select members for the Charter Commission." Mr. Shane feels creating a high percentage of signature to get something on the ballot is ridiculous. He feels it implies that the people of the county aren't smart enough to change the way the county does business. He also addressed the Board of County Commission budget workshop meetings. He explained the department heads meet with Richard Powell and county officials working out the department budget. When complete, the budget is presented to the Board of County Commissioners and the public at a public hearing. He added Richard Powell, not a county official, presents it. Then Richard Powell audits the budget two years later. He said, "That sounds like a fox has been hired at the gate, while he's in there counting the chickens." He feels the county needs an accountant that is elected by the people, and responsible to the people to monitor the checks and balances. He feels term limits are

positive and possible to accomplish. He also feels the taxpayer's money has been wasted through time on different projects and that a change is needed.

There being no further interest to speak, the public hearing closed at 8:15 P.M.

The Chair stated that all amendments to the charter would require a 2/3 vote in order to be adopted. With thirteen members present, 2/3 of the votes would equal 9 votes in favor of the amendment.

### **Minutes**

Minutes of the July 29, 2002 meeting were considered.

Motion by Commissioner Terrell to approve. Second by Commissioner Bicknell. The motion carried unanimously.

### **Proposed Amendments**

A list of proposed amendments were previously distributed to each of the commissioners for consideration. ~~See attached~~. As the proposed amendments were being discussed, they were placed on an overhead projector for the public and the commission to follow.

Amendment #1 - Regarding Section 1.8 providing clarifying information relating to county and municipal ordinances.

Motion by Commissioner Turberville to approve the amendment. Second by Commissioner Bicknell. The motion carried 12-1.

Amendment #2 - Proposal relating to redistricting.

Motion by Commissioner Johnson to approve. Second by Commission Null. After discussion and other proposed wording being considered the motion failed 7-6.

Amendment #3 - Regarding Salaries.

Motion by Commissioner Rountree to approve. Second by Richard Weizenecker. After discussion the motion failed 5-8.

Amendment #4 - Regarding Administrative Codes.

Motion to deny by Commissioner Bicknell. Second by Commissioner Weizenecker. After discussion, additional verbiage was considered.

Motion by Commissioner Bicknell to adopt with amended wording changes. Second by Commissioner Weizenecker. The motion was eventually withdrawn and discussion resumed.

Motion by Commission Bicknell to exclude the word "all" from the proposed amendment, and to delete the phrase, "Powers of all county officials and." Mr. Watts made the changes on the overhead in the presence of the Commission. Second by Commissioner Weizenecker. After discussion and the consideration of the proposed wording there was a call for the vote. The motion failed 5-8.

Amendment #5 - Auditor Independence.

Chairman Brown advised that this amendment was his request, and due to recently acquired information, there is no need to address.

Amendment (Clerk of Court) No Number - Addition to subsection 5.1.

Motion by Commissioner Turberville to approve the amendment entitled "Clerk of the Court," that restates the duties as provided in the Constitution and that clarifies that the charter does not alter the Clerk's duties (5.1). Second by Commissioner Poole. The motion carried 11-2.

Amendment #6 - Commission Auditor.

Motion by Commissioner Rountree to approve. The motion failed for a lack of a second.

Amendment #7 - Department Heads.

Motion by Commissioner Null to put on the floor for consideration, and to approve with the corrected wording that provides if there is an appeal, there is the authority to reinstate the employee. Second by Commissioner Johnson. The motion failed 4-9.

Amendment #8 - Elected Charter Officers under the Charter.

Motion by Commissioner Rountree to approve. Second by Commissioner Parker. The motion failed 2-11.

Amendment #9 - Charter Review Commission meetings.

Motion by Commissioner Terrell to adopt #9 to approve the first Charter Review Commission meet in 2003, and convene every four years thereafter. Second by Commissioner Parker. The motion failed 8-5.

Mr. Watts addressed Section 5.2.2 as a housekeeping item. He suggested that it be made explicit that if only two candidates qualify, their names shall be placed on the general election ballot.

Motion by Commissioner Turberville to accept recommendation. Second by Commissioner Null. The motion failed 7-6. Mr. Watts explained if it's a housekeeping item and it failed, we are left with 5.2.2 the way it was before, which implies the amendment that failed. This left the Board in an awkward situation.

Motion by Commissioner Walker to amend 5.2.2 to provide that everyone run in the first primary and be through with it. Unless there are three or more in which case there would be a run off. Second by Commissioner Bicknell. The motion carried 11-1.

Amendment #10 - Empowers the Board of County Commissioners to convene a Charter Review Commission more frequently than is normally mandated in the charter, and recognize the Board of County Commission's authority to appoint a Charter Review Advisory Committee.

Motion by Commissioner Poole to accept at 2005, but have the Review Commissions every four years thereafter. Second by Commissioner Bicknell. The motion failed 8-5.

Amendment #11 - Amendments by Petition.

Motion by Commissioner Bicknell to accept as written. Second by Commissioner Poole. The motion failed 7-6.

Amendment #12 - County Attorney.

There was an exchange of the chairmanship. Commissioner Null presided.

Motion by Commissioner Brown, "I make a motion that we restore the language in the earlier draft of the charter that provided for an appointed county attorney and a transition schedule." Second by Commissioner Johnson. The motion failed 6-7.

#### **Other Discussion Re: Amendments**

Commissioner Rountree said if the Commission elects to do nothing with Amendment #4 - Administrative Code, attention would need to be given to sections 2.7.1, 3.3.9 and 3.3.12 where "Administrative Code" is identified. He pointed out that nowhere in the Charter does it describe what the Administrative Code will consist of.

Attorney Watts agreed that the references should be either taken out or a definition be inserted. The matter will be taken up at the next meeting.

Commissioner Rountree asked who determines in Section 8.3.2, what is a constitutional amendment, since there is no definition provided.

Attorney Watts responded there is no mechanism provided by law similar to the procedure we have in the State Constitution for vetting constitutional amendments through the Supreme Court before they reach the ballot. The procedure is not authorized. However, the draft language provides that the amendment first be filed with the Supervisor of Elections to start the registration requirements and to obtain guidance from the Supervisor of Elections as to whether it may, or may not be a proper subject for an amendment. He mentioned that filing with the County Attorney may now also be an option.

Commissioner Rountree said, "I still think that this commission needs to address what we have decided this evening regarding the commission auditor. If this commission thinks that what is in place works, they should come to this building on Tuesday the 20th and watch the budget process. You will not see the County Administrator or the Internal Auditor present the budget. You will see the external auditor present the budget.

Commissioner Bicknell responded, "That's now a dead issue."

### **Economic Development**

Commissioner Bicknell stated the County has an Economic Development Council in place, but feels the Charter Commission should consider, before the next meeting, how economic development could be incorporated into the charter.

### **Next Meeting**

Motion by Commissioner Bicknell to meet again on August 19, 2002 at 6:00 P.M. at the School Board Administration Office. Second by Commissioner Walker. The motion carried unanimously.

### **Preamble**

Motion by Audrey Bullard to include the preamble listed in Commissioner Parker's proposed charter. Second by Commissioner Bicknell. The motion carried unanimously.

### **Expense/Invoice(s)**

Commissioner Parker asked what the cost listed for the Lake City Reporter was for in the amount of \$2,000. The Chair responded, "That is a proposal that we will take up at the next meeting. It is for the public education effort." Commissioner Parker pointed out they advertised the meetings without charging in the North Florida Advocate.

Motion by Commissioner Turberville to approve the Lake City Community College invoice and to KSA. (No amounts provided) Second by Commissioner Walker. The motion carried unanimously.

**Recess**

Motion by Commissioner Bicknell to recess until Monday, August 19th at 6:00 pm. Second by Commissioner Graham. The motion carried unanimously.

The meeting ended at 10:10 pm.

ATTEST:

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Court

\_\_\_\_\_  
Thomas Brown, Chairman  
Col. Co. Charter Commission

**August 19, 2002 minutes are pending approval  
during September 18, 2002 committee meeting.**

# Columbia County Charter Commission

August 19, 2002  
6:00 P.M.

The Columbia County Charter Commission met at the School Board Administration Office in the auditorium.

The Chair called the recessed meeting of August 12, 2002 back to order. Commissioner Bicknell opened with prayer and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

### Commissioners Present:

Wilton Terrell, Richard Weizenecker, Ray Walker, Tom Brown (Chairman), Jim Poole, Ozell Graham, Edsel Parker, David Rountree, Audrey Bullard, Delton Turberville, Seeber Johnson, Mike Null, Ernory Bailey and Rick Bicknell.

### Commissioners Absent:

Mario Coppock.

## **Comments by the Chair**

Chairman Brown referenced the information he provided at the last meeting regarding a special act of a county attorney. Since then, an amendment to the 1951 act has been provided, which removes duties of the county attorney to the School Board and to other county officials. *(Clerk's Note: See minutes of 8/12/02 for further discussion/information relating to this.)*

A copy of the draft charter was provided to the Commission, which reflected the amendment adoptions of the last meeting. The Commission was also furnished with a proposed resolution containing the ballot title and ballot summary for consideration.

### **Additional Amendments**

The Chair called for any other discussion or proposed amendments to the draft Charter.

A more refined or streamlined amendment relating to administrative codes was presented for consideration by Commissioner Rountree. The Chair explained that he believes that the proposed wording attempts to pull together the various sections where the administrative code is referred to in the Charter draft. **See attached amendment.**

Motion by Commissioner Rountree, "Motion to adopt proposed wording for an administrative code, and should we not adopt that code then we still have three references within the charter which specifically identifies the administrative code." Second by Commissioner Turberville. The motion carried 13-1.

**Section 2.8 - Powers.** There was a call for clarification on Section 2.8, Paragraph 4 of the draft Charter. There was discussion as to whether or not the wording, "The powers and duties of the Board of County Commissioners and to adopt by a 2/3 vote of the full board of County Commissions...." was the correct wording. The Commission has used the entire Board versus full Board in the rest of the draft charter, and there was concern over a 2/3 for a five member commission. The Commission discussed the wording of "four out of five, or majority plus one" as a possible replacement.

Attorney Allen Watts advised that 2/3 right now would be the same as a majority plus one. If at some future date the charter is amended to change the number of county commissioners from five to another number, it may cause a need for an amendment in the charter if you use the wording "four out of five". Mr. Watts said that as a general rule, formulas work better than a fixed number. He explained that a 2/3 vote or an extraordinary majority, or majority plus one would work. The Commission agreed to use the wording "entire board" in that paragraph, instead of "full board, in and effort to remain consistent throughout the charter.

**Section 6.1.3 - Citizen Initiative.** Commissioner Rountree suggested the wording "amend this charter" be deleted since it was already covered in another section. There was discussion. Mr. Watts explained that it's not necessary, nor does it conflict with any other provision of the charter. He said it provides a cross reference to Section 6.1.1.

Motion by Commissioner Rountree to remove the wording. Second by Commissioner Parker. The motion failed 2-12.

**Section 3.3 Powers & Duties of County Manager.** Commissioner Rountree asked as a point of clarification, "Versus the changes that was applied to 5.1. The change that was applied to 5.1 was that the Clerk of the Court shall be ex officio Clerk to the Board of County Commissioners, auditor, recorder and custodian of all county funds." He asked, "Does that verbiage have any interference with 3.3, where the County Manager shall prepare and submit the annual operating and capital program budgets?"

Mr. Watts replied that the general of statutory construction, which would apply here is that the specific provision controls the general. Although the manager may have certain responsibilities with respect to preparing the operating and capital program budgets to submit to the Board of County Commissioner. He said, "That would not be in derogation of the Clerk's prerogatives that are expressly preserved in Article V."

Commissioner Bicknell asked, "But the way the word is now, the County Manager still has budget responsibility?" Mr. Watts replied, "He has some responsibilities as the professional manager, and as the head of the executive branch of the county government. But, it would not be in derogation of the Clerk's responsibilities under 5.1."

Mr. Kurt Spitzer offered that the language offered in Article V of the Charter last week was taken directly from that section of the constitution that speaks to the duties of the Clerk. The intent of the charter was to not affect any of the duties or responsibilities of the Clerk of the Court, but to still be sure that there is a county manager form of government established, and that the County Manager has budget powers. It was written to clarify and restate that the Clerk's duties as auditor and chief financial officer to the County are not changed by the Charter.

Commissioner Turberville asked, "I want to be sure that in the latter half of that where it says, "and execute the budget and capital programs in accordance....." We are not in any way creating with this wording, a divisive point between the County Manager and the Clerk of Court."

Mr. Watts responded the Clerk's constitutional prerogatives are as shown in 5.2. There are additional statutory prerogatives that the Clerk has that are also preserved by virtue of Section 5.1, that says their powers, duties and functions will not be altered by this home rule charter. To the extent that the constitution or existing general law gives an authority or responsibility to the Clerk of Courts, then the Clerk keeps that by virtue of the language in 5.1. To the extent that that authority has simply drifted over to the Clerk without any clear statutory responsibility or constitutional responsibility, the Board of County Commissioner has now the responsibility and the power to pull that back, whether there is a charter or not.

#### **Section 5.2.2 - Non Partisan Election Procedures.**

There was a call for clarification. Mr. Watts stated that after the 1998 amendment to the Constitution that made school Boards non-partisan, the legislature re-wrote the election code to provide a way to elect non-partisan judges and non-partisan School Board members. If there are two or more candidates, they must be on the first primary ballot. If there is only one candidate, they are not placed on the ballot. They are deemed to have voted for themselves. If there are two or more, they must go on the primary ballot. If no one receives a majority at the primary, the top two go on to the general election.

In subparagraph (c), Mr. Watts explained that if there is a tie in the runoff that a coin will be flipped to see who takes the seat, or they may draw straws (by lot).

Motion by Commissioner Terrell to approve. Second by Commissioner Bicknell.  
Motion carried 13-1.

### **Section 8.3.2 - Amendment by Petition.**

Commissioner Rountree asked how the Supervisor of Elections, or people voting on amendments would know if the laws or changes were constitutional.

Mr. Spitzer distributed a draft amendment relating to that subject. Commissioner Null explained that he and Mr. Spitzer have gone back and forth in their attempts to draft language with appropriate wording to address this. Mr. Null said that since bringing this matter up at the last meeting, he has talked himself out of submitting the amendment for consideration, because he found it difficult to cover every possible scenario, and felt the present wording may be best anyway. Commissioner Null said he would not be offering the provided wording by motion.

No action was taken.

### **Other**

Commissioner Parker said, "It doesn't matter how it's worded, because the way it's put in the charter has made it almost impossible for the citizens to change anything in the charter, because of the percentage they are required to get and the short time they have to get them in. As far as I can find out, it's the worst charter in the State of Florida. This charter has nothing that will benefit the citizens of Columbia County. It's favorable to the politicians, but not the people."

### **Proposed Charter**

Motion by Commissioner Rountree to accept the Charter as amended. Second by Commissioner Bicknell.

Commissioner Parker expressed his opinion that from the very beginning, because of the Commission membership, it was obvious to him that "the people" of Columbia County would not get a workable charter. He said, "They've (the members) been handpicked for the politicians, and many of them have aspirations to run for office and therefore do not want the salaries touched. I think the citizens of this county have the right to vote on the salaries of the elected officials." He went on to say that citizens should have the right to vote on any increases in taxes. He recalled a conversation at a Board of County Commissioners meeting when he asked a commissioner, "Why not allow the proposed gas tax to be placed on a referendum?" Commissioner Parker said that the reply was, "We knew better than to do that, because we knew the people would not accept it." He feels the response was a perfect example of how the commissioners do

not consider what "the people" want, but instead make decisions based on their on opinions and ideas.

Commissioner Parker also expressed that he feels District I is run by a dictator who criticizes special interest groups. Commissioner Parker said, "Without the true special interest groups in this county, he wouldn't still be in office." He concluded, "The people" need a charter for the people, and not the crooked politicians! We've been lied to time and time again, and I can prove it; I have it on tape. When the one cent sales tax was pushed down our throats, they promised the people they'd split that three ways to help the people if we wouldn't buck it. When they adopted the one cent sales tax, they said they were going to put it all on the courthouse. Before the resolution was drawn up, they stuck it in the general fund and none of it went to the courthouse renovation. The people need a charter for the people, but I can see we are going to have a charter that they won't accept."

There was a call for the vote. The motion carried 13-1.

### **Resolution**

Motion by Commissioner Turberville to adopt the resolution regarding the charter. Second by Commissioner Bicknell.

Commissioner Null asked for the opportunity to revisit Paragraph 6, as it relates possibly to another item on the agenda. Therefore depending on the outcome, he felt it may necessitate some amendment to that portion of the resolution.

Attorney Watts replied, "In Paragraph 4 - Substance of the proposed charter, he pointed out that the ultimate responsibility of how this is worded and arranged was the Commission's decision. He explained that he simply attempted to put the subjects that seemed to be the important features of this charter in a summary of seventy-five words or less, which is the statutory requirement. Mr. Watts said the Commission could elect to rearrange in any order, or any other words could be chosen so long as the summary does not exceed seventy-five words.

Attorney Watts was asked to define the wording, "minor corrections by the chair and staff," and was asked to explain who "staff" is.

The Chair responded, "My interpretation of that is me, Mr. Spitzer and Mr. Watts. Minor corrections would be, since Mr. Watts has to approve that, it would have to be in conformity with this, and not change any of the meaning or the intent of the charter."

Mr. Watts said, "We had one occasion that happened that caused me to put this language in the charter. There was a situation in Polk County, where after the Charter Commission had adopted all of its amendments and they had been transmitted to the Board of County Commissioners, an incorrect date was discovered." He explained that there is precedent in the interpretation of the Constitution for the correction of this type of

error, which are simply clerical in nature and do not change the people's intent. He said only a very obvious typographical error would be changed.

There was a call for the vote. The motion carried 13-1. **See attached resolution.**

### **Public Education**

Mr. Spitzer explained since the charter and resolution have been approved, the Commission may remain in existence until November 05th for the purposes of educating the voters of Columbia County as to the provisions of the charter.

A draft budget was distributed for the Commission's consideration. Mr. Spitzer said the budget roughly tracks the tasks that were undertaken in the Polk County educational effort in 1998. He said a few different components were added to the budget such as direct mail to each household, display ads, cable television ads, printing of a tri-fold brochure and miscellaneous administrative costs.

Mr. Spitzer said that there was no suggestion made in the educational process to citizens to persuade them to vote for the charter. It was simply a presentation of summary information on facts of what the charter contained. He said that although he believes that public entities are empowered to suggest a "yes" vote for the charter, it is still a policy decision.

Commissioner Turberville asked, "What does mail-house mean?" Mr. Spitzer replied it is a direct mail facility that houses information obtained from the Supervisor of Elections office. They do print work and mail outs. He suggested the Commission may want to keep the services local. Commissioner Bicknell suggested the local printing company an elected official not be used. Commissioner Parker notice the Lake City Reporter was on the budget list for advertising. He asked that the North Florida Advocate also be given the opportunity to do the advertising.

Commissioner Null suggested that for the benefit of expediting the process and reviewing all of the different techniques for educating the public with regard to the proposed charter, that it stay in a simple format. He suggested that be with the chairperson, or even a small committee.

The Chair stated that any motion would be in order regarding the publicity/educational effort. The Chair advised that there are public speaking engagements scheduled and that he has asked Commissioner Null to assist. The public speaking engagements are an educational effort, intended to introduce and explain the charter, not to promote or persuade citizens to vote for or against it.

The discussion continued. The Chair said that the funds to educate will be expended over an approximate three week period. He said the majority of expenditures would be as the citizens become more susceptible to information knowing that the election was at hand. The Chair welcomed anyone interested to serve on the committee.

Motion by Commissioner Bicknell to approve the education budget, and to have the Chair and Vice Chair and three other members at the discretion of the Chair be appointed to this education committee, and while doing so that everyone else that is not a member of the committee be kept apprised as to what information is being provided to the public, and being kept informed of the expenditures. Second by Commissioner Rountree.

Commissioner Graham said that he doesn't feel the motion should be two part. He said the forming of a committee, and the approval of the budget should be separate. He also feels the cost estimate is way out of line. He feels one media is sufficient.

Amended Motion: Motion by Commissioner Bicknell to have the Chair and Vice Chair, along with three other members of the committee be appointed to the public educational effort. Second by Commissioner Rountree. The motion carried 13-1.

Motion by Commissioner Bicknell to work from the estimates given under the title Columbia County Charter Commission Public Education Cost Estimate, and that the Chair, Vice Chair and other members of the educational committee be responsible to ensure that the numbers are within the operating budget constraints. Second by Commissioner Rountree.

Commissioner Walker felt that if the cost run over the estimated budget, that the committee be allowed to use their good judgment to make sure all bills are paid. There was discussion.

Commissioner Bicknell stated that he would like his last motion to include that the educational committee operate within the budget, and if costs exceed the estimated budget, that they be given the authority to spend what they deem necessary to create a good educational environment for the citizens as it relates to the charter.

The motion carried 12-2. See attached budget.

Motion by Commissioner Turberville for the Charter Commission to meet on Monday, September 23, 2002 at 5:30 pm to review and discuss the disposition of the charter and public education effort at a place where staff can establish a meeting location. Second by Commissioner Bicknell. There was discussion.

Motion Amended. Motion by Commissioner Turberville for the Charter Commission to meet on a Monday (date and location to be established in September) at 5:30 pm to review and discuss the disposition of the charter and the public educational efforts at a place where staff can establish a meeting location. Second by Commissioner Bicknell.

Commissioner Parker left the meeting (7:15 p.m.).

Commissioner Weizenecker disagreed with the entire committee meeting again. He pointed out that the purpose of the small committee is to finish getting the job done. He said otherwise the meetings could go on for months. He suggested a final summary of the chair be drafted, explaining to the members what has been done, where we are going, and so on. If after that the committee feels it is just absolutely necessary to meet, then a meeting could be called. Commissioner Walker agreed. Commissioner Johnson felt calling an entire committee meeting should be left to the discretion of the Chair. Commissioner Terrell agreed with Commissioner Johnson. Commissioner Walker said, "We have completed the charter and appointed a subcommittee to handle odds and ends. Why do we need to meet again? I don't think we need to meet to go over what we've just done."

Commissioner Turberville withdrew his motion. Commissioner Bicknell withdrew his motion for a lack of understanding.

The Chair advised that commissioners would be informed of all meetings.

The Chair asked Commissioners Rountree, Bicknell and Turberville to serve on the subcommittee. Each accepted the invitation to serve.

### **Report**

Mr. Spitzer provided a draft final report reflecting his understanding at recounting the activities of the Charter Commission. Issues, discussion items, and key issues were a part of the final report. He said that when the report is in final form, it will also contain past agendas and minutes as well as a copy of the final charter and resolution.

Motion by Commissioner Turberville to approve the final report in principle.  
Second by Commissioner Johnson. The motion carried unanimously.

Motion by Commissioner Null to have former Commissioner Leandra Johnson listed and be given credit in the report as contributing to the creation of the Charter.  
Second by Commissioner Bicknell. The motion carried unanimously.

### **Charter**

Attorney Watts explained the Supervisor of Elections will soon have a full plate with all of the constitutional amendments, the over seas ballots go out well before the absentees. Therefore, her office will need as much time as possible to get the ballot put together. This must be certified by the Board of County Commissioner no later September 19th. It will need to go through the Board of County Commissioners and have them call the referendum prior to that time. There was discussion that the Board of County Commissioners may need to set the meeting a little earlier on the 5th in order to fit the charter in since the budget has caused a full agenda.

Commissioner Johnson left (7:30 p.m.)

Commissioner Terrell asked that each commissioner be provided with a clean copy of the final charter, and that a completed Final Report be provided. The Chair asked that both be mailed out, and if there are no calls to Mr. Spitzer, the final Charter should post to the website on Monday.

**Other**

Commissioner Turberville asked if the Education Committee would be empowered to pay any outstanding bills. There was discussion.

Motion by Commissioner Terrell that the bills be paid by the educational committee. Second by Commissioner Pool. The motion carried.

**Adjournment**

The Chair thanked everyone for the opportunity to serve. The meeting adjourned at 7:45 p.m.

ATTEST:

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Court

\_\_\_\_\_  
Thomas Brown, Chairman  
Col. Co. Charter Commission

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**LAKE CITY COMMUNITY COLLEGE  
MCRAE MEDICAL TECHNOLOGY AUDITORIUM  
BUILDING 103  
HIGHWAY 90 EAST, ROUTE 19 BOX 1030  
LAKE CITY, FLORIDA 32025**

**AGENDA**

**JULY 29, 2002**

**7:00 P.M.**

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1.    **\* Call to Order**
  - \* Invocation**
  - \* Pledge to U.S. Flag**
  - \* Roll Call**
  - \* Approval of Minutes**
  
2.    **\* Mr. Tom Brown, Chairman, Columbia County Charter Commission**
  - (a) Introduction of Charter Commission Membership**
  - (b) Introductory Remarks by Chairman**
  
3.    **\* Mr. Kurt Spitzer, Charter Consultant**  
      **Spitzer & Associates**
  - (a) History and Significance of County Charter Government**
  - (b) Review of the Draft Charter for Columbia County**
  
4.    **\* Mr. Tom Brown, Chairman, Columbia County Charter Commission**
  - (a) Opening of Public Hearing and Comments from Public**
  - (b) Closing of Public Hearing**
  
5.    **\* Adjournment**

# Columbia County Charter Commission

July 29, 2002  
7:00 P.M.

The Columbia County Charter Commission met in a scheduled public hearing at the Lake City Community College.

The meeting came to order. Chairman Brown welcomed everyone to the seventeenth meeting of the Columbia County Charter Commission, and the second of three scheduled public hearings.

Commissioner Null opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

Commissioners Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Audrey Bullard, Jim Poole, Ozell Graham, Tom Brown, David Rountree, Seeber Johnson, Mike Null and Rick Bicknell.

Commissioners Absent:

Edsel Parker, Mario Coppock, and Delton Turberville.

## **Minutes**

The Commission was previously provided with, and has had the opportunity to review minutes of the July 15, 2002 Charter Meeting.

Motion by Commissioner Terrell to approve. Second by Commissioner Poole. Suggested corrections were noted and corrected. The motion carried unanimously.

## **Introduction/Opening Comments**

Chairman Brown introduced Allen Watts, the Commission Attorney and Kurt Spitzer, the Commission Consultant, and each of the Charter Commission members and explained the appointment process of the Commission. He boasted on the commitment of the Charter Commission, and thanked those citizens who had attended the meetings regularly for their commitment.

Chairman Brown thanked everyone in attendance tonight for coming out, and also thanked those tuning in (via television) to the Charter meeting. Special thanks were extended to Lake City Community College for the use of their facilities and for agreeing to broadcast the meeting. Thank were also extended to Publisher Rick Bacon and Editor Kathy Nelson of the Lake City Reporter for publishing the proposed Charter in their newspaper at no cost to the County.

### **Remarks by the Chair**

There will be one more public hearing after this meeting. After the three public hearings, the Commission will discuss possible changes in the draft. Any member of the Commission may make a motion at the end of the last meeting to change any part of the original draft. In order for the change to occur, a 2/3 vote will be required. After the final votes, the document will be put in final form and be presented to the County Commission. Once submitted, the proposed charter cannot be amended or changed by the Commission or County. Therefore, the chair stressed that it is essential that all citizens interested in providing input should do so during the public hearings.

He announced that copies of the working draft of the charter are available at the Board of County Commissioner's Office and at the Library. All suggested amendments to the working draft will be considered at the next public hearing.

### **Overview of the Charter**

Kurt Spitzer gave a Power Point presentation very similar to the presentation of the last public hearing. It included information pertaining to the creation of the Charter Commission and their specific charge. The presentation also included an overview of Dillons' Rule and Home Rule, and the powers of a charter. Mr. Spitzer reviewed how a charter can and cannot affect constitutional officers. It addressed County and City ordinances, and Citizen's Initiative. See the July 16, 2002 minutes for further details.

### **Public Hearing**

The Chair declared the public hearing open with the Chair encouraging input.

Mr. David Willis asked that salaries be addressed in the charter. He provided a copy of a proposed pay schedule with options for the Charter Commission to consider. He feels that salaries should be decided by "the people" of the county for commissioners and constitutional officers. He also recommended that the Charter Committee stay in place for the purpose of educating the public on charter government.

County Commissioner James Montgomery thanked the Charter Commissioners for their work. He told the Charter Commission that he had the same concerns regarding the checks and balances as expressed by DeWitt Cason, Clerk of Courts at the last public hearing.

He used Section 3.3 of the Charter as an example. He read, "*The County Manager shall prepare and submit the annual operating and capital program budget to the Board of County Commissioners.*" He then read, "*The County Manager shall establish the schedules and procedures to be followed by all county departments, officers and agencies in connection with the budget, and supervise and administer all phases of the budgetary process.*"

He told the Commission "that" is the exact procedure in place now. He expressed concern that there are "some" who want to change the procedure. He asked, "*Why change it now? Where is the weakness?*" He explained the current practice is that the Clerks Office and Board Office work together to generate the budget, the budget is then administered by the County. Then, the Clerk's office cuts the checks and pays the bills, but only after a commissioner has reviewed and signed off on each invoice. Therefore, with strong checks in balances now in place, he felt it would not be financially feasible to spend funds on a comptroller. He said, "*I feel like the way we are doing it now, we have plenty of checks and balances, and therefore I would suggest we leave it like it is. Where is the weakness in what the County is doing right now?*" He asked the Board to review the proposed wording so that the issue is clarified.

Commissioner Montgomery read from Section 6.1.1, "*Any such ordinance shall embrace but one subject.*" He asked, "*Who will decide if the initiative is correct?*" He asked that the Commission elaborate. In Section 6.1 and 8.3.3, regarding the number of signatures needed to be obtained for an initiative and a charter amendment; Commissioner Montgomery felt the numbers should be the same for both and set at a higher percentage, and that initiatives be made slightly difficult. He pointed out that there are state initiatives that have been very easy to get, but have proven to be detrimental to some counties.

Mr. Wayne Williams feels since this is the second, and next to the last meeting, the public needs some answers before the charter is put in final form. He feels the required signatures are unrealistic, commissioners should not have the power to raise taxes without approval of the citizens of the county, each commissioner should run countywide, there should be no retirement for county commissioners since their jobs are part time, and all elected officials should have caps set on their salaries. He reminded the Commission that funding was available to the County Commission to provide for technical assistance and can be used for comprehensive studying of county government through the Small County Technical Assistance Service Program. He also expressed that he feels all elected officials should be a high school graduate with a certain amount of college education to hold an office that assists with governing the county.

Mrs. Mary Rountree addressed the Board. She stressed that the ideas she would present are her own, and may or may not reflect the views of Commissioner Rountree. She expressed:

Term limits restrict a voter's constitutional rights to vote for the "best" person for the job. She noted there is value in experience. She also addressed salaries and stated she believes that "You get what you pay for," but still believes a learning curve in the salaries should be considered. She presented a written proposal to the Commission for

review. She was of the opinion that calling a "special" meeting to do the organizational meeting at the beginning of each year the year was not needed. She suggested the commissioners hold their organizational meeting at the second regularly schedule meeting each November to avoid calling a special meeting. Mrs. Rountree pointed out there is no time code for establishing the administrative codes. A twelve- month time frame was suggested. Regarding the budget, she said, *"I'm concerned about the appearance of potential impropriety. I really don't like the fact that we have an external auditor who is so heavily involved in mechanisms in creating the charter; even if he isn't giving advise. There is the potential for it to appear that he may be giving advise on how we are managing our business. I don't think that is a proper thing for an external auditor to do."* Therefore, she suggested that a Commission Auditor position be established under the rule of the County Commission, but does not report to the County Manager. She asked that the controller/auditor issue be considered carefully to ensure checks and balances. Finally, she suggested it would be beneficial in streamlining our government to move the constitutional officers under the umbrella of the charter. In closing she expressed appreciation for the work done, and said she believes the reason there is no drastic changes in the charter is because the Commission truly represent the opinions of "all" of "the people".

Mr. Ed Lundy is a proponent of term limits. He feels it's time for change, and some new ideas, and term limits of not more than three terms be established. He asked, *"Will all departments go under the control of the County Manager, or will it remain that the road department will remain with the commissioners?"* The Chair responded that everything would fall under the Manager.

Mr. H.L. Sistrunk feels there is an obvious problem, and redistricting should be reconsidered when two commissioners (Williams and Montgomery) can both be reelected to office with less then 2000 votes each, and there are 32,000 plus registered voters in the county. He asked the Commission not rush the closure of the charter creation since they have a total of eighteen months to work, and since he believes that, a charter has not yet been written for "the people" of the county. He also encouraged the Commission to take time to educate the people on charter government.

Mr. Thomas Brincefield having lived in South Florida (Dade County and Broward County) for forty-nine years, he said he has observed county government "mushroom" in size and scope. He said that with the charter, he has seen taxes get higher and higher, and eventually outpacing the population growth of the area. He said, *"Charter for Columbia County could possibly set into motion the framework for a huge bureaucracy that would grant increased powers to the county commission, who in turn could give much of that power to the appointed county manager. Traditionally, these professional county managers come from other parts of the country, often bringing many of their own staff with them. They would not necessarily be responsible to the desires and needs of the local citizens. They only have to please three of the five commissioners in order to stay in power."*

Mr. Brincefield spoke on citizen initiative. He agreed that initiatives are, and should be difficult to get on the ballot.

He responded to a comment made in a previous meeting that nearly 80 percent of people live under a charter government. He agreed, but pointed out that the majority of the seventeen counties functioning under charters are urban areas with an average population of 700,000 citizens.

He concluded, *"Yes, we have problems in our county, but none that can't be addressed by our present system of government. We don't need charter government in Columbia County."*

Mr. John Pierce suggested that a procedure be put in place that would give the citizens an opportunity to rate their commissioners and constitutional officers, and offer suggestions they believe would be beneficial. He pointed out that this would give citizens an opportunity to vent and give input, and at the same time give the politicians an opportunity to determine what type of job the citizens feel they are doing.

The Chair called for additional input from the citizens.

Mr. Coy Williams believes the public hearings are fulfilling the requirements of law, but not the requirements of the public's involvement. Initiatives and amendments should be reasonably easy to be placed before the people. He feels the charter as written gives protection to the constitutional officers, and that term limits and salaries should be determined by the citizens. He believes the offices of the constitutional officers should be abolished and brought under the charter. He closed by challenging the county commissioners to have quarterly district meetings with their constituents.

Charter Commissioner Graham asked the County Commissioners in attendance if there was anything they wanted to see created in the charter that wasn't place in the draft charter. The general response was that they simply wanted to ensure a means of strong checks and balances remain in place.

Ms. Elenor Williams stated she believed Mr. Spitzer was a bit misleading when he said the percentage of signatures needed to make a change was "only" seven percent. She felt the true percentage was twenty-one percent. Mr. Spitzer responded, "It's seven or ten percent depending on whether it is a proposed ordinance or a proposed charter amendment of the electorate countywide. He explained the intent is that the seven percent is obtain in three of the five commission districts to ensure signatures are obtained from more than one district.

There being no further input, the public hearing closed.

### **Next Meeting**

The Chair announced that proposed amendments to the charter will be considered at the next, and final public hearing in two weeks. The meeting will be held at the Columbia County School Board Administration Office located at 528 West Duval Street.

The Chair stated that since a draft was created, the Commission was required to move into the public hearing phase. The commission is then required to have the public hearings within a certain number of days and thereafter to present the proposed charter. He explained that a timeline was adopted in the initial meetings and followed so that the charter would be on the ballots in November. This was done in an effort to save the citizens from a very costly special election, and because it is anticipated that there will be larger number of people turn out in November, than there would be in a special election.

### **Closing Comments**

The Chair invited anyone who would like for the attorney and consultant to assist with drafting the wording for proposed changes to let him know before leaving the meeting, or he invited the citizens to draft their own wording and present it at the next meeting if they desired.

Commissioner Bicknell asked that Mr. Spitzer reconsider language for the Charter Review Committee. He feels 4-10 years is entirely too much time, and that citizens should be afforded a reasonable opportunity on a more regular basis to express concerns. Commissioner Terrell agreed because once the Charter is created, it is very possible there could be a change that needed to take place right away instead of ten years later. Seeber Johnson also agreed saying that an initial meeting should be held within twelve months, and perhaps every five years thereafter.

Commissioner Rountree would like wording generated to (1) revisit bringing the constitutional officers under the umbrella of the charter, (2) setting a time limit on establishing the administrative codes, and what should be in the codes, and (3) establishing a Commission Auditor position to maintain the existing checks and balances that will be disrupted if we do nothing to the proposed charter.

Commissioner Null identified areas he intends to finalize language on and present to the Board, for (1) redistricting, (2) salaries, and (3) the county attorney issue.

The Chair responded that all changes would require a 2/3 vote to be adopted.

Commissioner Walker thanked the Williams' and other citizens for the commitment in attending the meetings. He addressed term limits explaining that since the courts have ruled it unconstitutional at this point, it cannot be addressed by the Commission. Commission Walker said he would support countywide voting, but since the courts have ruled against this, it cannot be added to the charter either.

Commission Poole expressed concern that the Commission's intent regarding the budget officer and duties may not be clear. He asked that there be clarifying verbiage. In addition, after considering all of the discussions of the need for job development and industry, he wondered if there were any charters that contain some type of language that would promote economic development.

Commissioner Bicknell commended Mr. Coy Williams for voicing that the charter should allow citizens the right to govern themselves and not be governed. The Commissioner said he hopes that a basis has been created to do that. He also agreed that each county commissioner should hold quarterly meetings to meet with the constituents of their district.

Chairman Brown would like to have a clarification for anyone reading the charter that it in no way grants the Board of County Commissioners any authority to impose any new or higher taxes than they are currently empowered to levy. In addition, he feels that if a county manager has the right to terminate a department head, it should be clear that there should be the authority to reinstate that person. The language regarding City and County Ordinances should be clear that the City has the right to make the ordinances more restricted within the City boundaries. Chairman Brown also suggested a Citizen's Redistricting Committee be considered to keep the County on schedule for redistricting by population per Florida Statute. He would like to revisit the County Attorney issue. Chairman Brown feels audit services should not be provided by the person providing financial advice. He said, "You can't grade your own exam paper." He feels there is a benefit to independent financial advise in the form of an audit. He would like to see related wording in the charter. He also would like to see the Committee consider increasing the threshold for charter amendments by petition to fifteen percent. Finally, he suggested capping the commissioners' salaries, but giving the right to the county commissioners to raise that salary based on the average raise given to county employees or the CPI, whichever is greater.

There being no further business, the meeting adjourned at 8:50.

ATTEST:

\_\_\_\_\_  
Tom Brown, Chairman  
Columbia County Charter Commission

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**LAKE CITY COMMUNITY COLLEGE  
MCRAE MEDICAL TECHNOLOGY AUDITORIUM  
BUILDING 103  
HIGHWAY 90 EAST, ROUTE 19 BOX 1030  
LAKE CITY, FLORIDA 32025**

**AGENDA**

**JULY 15, 2002**

**7:00 P.M.**

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1. **\*Call to Order**
  - \*Invocation**
  - \*Pledge to U.S. Flag**
  - \*Roll Call**
  - \*Approval of Minutes**
  
2. **\*Mr. Tom Brown, Chairman, Columbia County Charter Commission**
  - (a) Introduction of Charter Commission Membership**
  - (b) Introductory Remarks by Chairman**
  
3. **\*Mr. Kurt Spitzer, Charter Consultant**
  - Spitzer & Associates**
  - (a) History and Significance of County Charter Government**
  - (b) Review of the Draft Charter for Columbia County**
  
4. **\*Mr. Tom Brown, Chairman, Columbia County Charter Commission**
  - (a) Opening of Public Hearing and Comments from Public**
  - (b) Closing of Public Hearing**
  
5. **\*Adjournment**

# Columbia County Charter Commission

July 15, 2002  
7:00 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting, and its first public hearing at the Lake City Community College.

The meeting came to order. Commissioner David Rountree opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

Commissioners Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Audrey Bullard, Jim Poole, Mario Coppock, Ozell Graham, Edsel Parker, Tom Brown, David Rountree, Delton Turberville, Seeber Johnson, Mike Null and Rick Bicknell.

*Clerk's Note: Commissioner Coppock arrived at approximately 7:30 P.M.*

## **Introduction**

Chairman Brown introduced each of the Commissioners, Consultant Kurt Spitzer and Attorney Jake Kaney.

## **Minutes**

The Commission was previously provided with, and has had the opportunity to review minutes of the June 10 and June 17, 2002 charter meetings.

Motion by Commissioner Terrell to approve the June 10<sup>th</sup> minutes as submitted. Second by Commissioner Poole. The motion carried unanimously.

Motion by Commissioner Poole to approve the June 17<sup>th</sup> minutes by Commissioner Poole. Second by Commissioner Walker. The motion carried unanimously.

### **Thanks**

Chairman Brown thanked everyone for coming and tuning in (via television) to the Charter meeting. Special thanks were extended to Lake City Community College for the use of their facilities and for agreeing to broadcast the meeting. Thank were also extended to Publisher Rick Bacon and Editor Kathy Nelson of the Lake City Reporter for publishing the proposed Charter in their newspaper at no cost to the County.

### **Opening Remarks by the Chair**

The Chair expressed appreciation for the article written by the Lake City Reporter explaining that the proposed Charter is not the product of any one Commissioner, nor is it a document anyone would probably totally agree with. He explained that there are some who feel the Charter did not go far enough in making changes to the current form of county government. On the contrary, there are people who feel too much change has gone into the draft charter.

Chairman Brown pointed out as an informational item that a charter of some form governs eighty percent of the people in Florida. Florida has seventeen charter counties. He informed those in attendance, that a charter can provide more effective tools in the hands of the governmental officials. He believes that is the reason so many have chosen to be governed by a charter. Additionally, he advised a charter could provide more input by the citizens in the communities, and to the persons that they have elected to govern them. Therefore, considering a charter could be very beneficial.

Chairman Brown explained that all counties construct charters differently, and that there is a lot of discretion in the features of a charter. Therefore, it is essential that the people of the community are at all three public hearings to provide input. The second public hearing will be July 29; the third public hearing will be August 12.

The procedure at this stage in the charter process is there are three public hearings to receive input. After the three meetings, the Commission will discuss possible changes in the draft. Any member of the Commission may make a motion at the last meeting to change any part of the original draft. In order for the change to occur, a 2/3 vote will be required. After the final votes, the document will be put in final form and be presented to the County Commission. Once submitted, the proposed charter cannot be amended or changed by the commission or county. Therefore, he stressed that all citizens interested in providing input should do so during the public hearings.

As a matter of information, the chair assured everyone that neither the attorney, nor the consultant have dictated any of the terms reflected in the charter. However, they have both offered information to be considered by the Commission, and have worked together to draft the proposed charter as directed by the Commission.

## **Overview of the Charter**

Kurt Spitzer gave a brief Power Point presentation.

The Board of County Commissioners appointed the Charter Commission in August of 2001. Per law, the Charter Commission was given the specific charges of conducting a study of county government to determine how the government could be improved, and drafting a proposed charter for the public's consideration. The proposed charter will be adopted by the Columbia County Charter Commission after the third public hearing. The Charter will then be transferred to the Board of County Commissioners as a matter of procedure for the purpose of scheduling an election.

Mr. Spitzer discussed Dillon's Rule and Home Rule. All local governments in Florida operate under a system of government called Home Rule. Home Rule basically states that local government is presumed to be empowered to take an action, unless the policy is specifically preempted or the state government prohibits the action. Dillon's Rule states that specific authority is required to undertake a particular action. Most of Florida's system has operated under Dillon's Rule system.

In 1821 the first ordinance was adopted that divided the state into two counties along the Suwannee River, and recognized the existing cities and identified the two powers of the two separate counties, and provided that there would be five appointed Justices of the Peace who would be their governing body. Since that time, there have been various changes to the counties' structures. It wasn't until the 1900s that the public through an election process at a local level selected county officials

Florida has continued to operate under Dillon's rule (instead of Home Rule Powers) even while experiencing a tremendous growth in population, and with most of the growth being in the unincorporated areas of the state. The growth in the unincorporated areas has created an even larger demand for services on the local government agencies. Over the past few years there has been a significant amount transferring that has taken place with program responsibilities being transferred from the federal government to the state government, and from the state government to the local governments.

With the passing of significant revisions to the Florida Constitution in 1968, Dillon's Rule was replaced with Home Rule. Non-charter counties enjoyed all powers of self-government as is provided by law. In the following years the legislature did not authorize any Home Rule powers for county government. Charter counties were able to enjoy powers granted directly to them from the Florida Constitution.

In the early 70's fairly broad Home Rule powers were passed for all Florida county governments (charter and non-charter). The basic difference is that the structure and service delivery mechanisms in a non-charter counties are pretty much dictated by the state statute and the Florida Constitution. Depending on the content of the charter, there can be significant differences in a charter and non-charter form of government.

Mr. Spitzer explained that there are key policies that one can look at that come from the Florida Constitution. He reviewed Article VIII of the Constitution:

Charters are adopted, amended or repealed only by a vote of the electorate.

Different methods can provide for a different process of selecting the county officers and constitutional officers.

Charters can transfer their duties to different positions and some actually abolish the constitutional officers' positions.

The size of the commission, terms of office and districting methodologies may be changed by a charter, and all charter counties enjoy all powers of Home Rule that are not inconsistent with general law.

In the event of a conflict between city and county ordinances, a charter can provide which will prevail.

He explained that additionally, in terms of the executive branch, which is a key policy change in Columbia County's draft charter, the county can specify who is the head of the administrative branch of county government.

Some of the very larger urban counties provide for an elected county mayor such as Duval County. Like the proposed charter for Columbia County, most charters provide for the appointment of a professional manager.

Some of the issues and policy questions the Charter Commission has dealt with include issues pertaining to hiring policy, votes needed to hire and terminate, qualifications needed, and specific clauses that may be needed to attempt to separate administrative duties from those of the legislative branch.

Most charters leave the county constitutional officers as is provided in general law. However the charter may provide otherwise (Elected or appointed charter officers). Mr. Spitzer advised that only Dade County has created positions where all of the constitutional officers are appointed.

There are policy questions. The county constitutional officers operate almost as independent units of government. He explained that is one of the arguments in support of retaining the officers as independent county officers. Mr. Spitzer added that as with any of these issues, there are other sides to the question such as budget approval, support services, and uniform support services. There are other issues that can be dealt with in a charter such as salary, recall, non-partisan elections, consolidation of functions, and full consolidation of governments.

Regarding citizens initiative, Mr. Spitzer advised that almost all charters now in place have adopted a mechanism that allows citizens to propose ordinances by petition. Several policy questions surround this topic such as the number of signatures required to place an issue on the ballot, requirements to evenly distribute the signatures throughout the county before placing the issue on the ballot.

Similar with the charter amendment process, most charters allow for charter amendments to be proposed by a petition process. The other mechanisms whereby charter amendments can be brought up are by ordinance of a county commission, or a charter review commission. There are also policy matters to be considered such as the single subject rule, charter review commission membership, and whether the membership will be advisory or independent.

Mr. Spitzer reviewed the draft charter for Columbia County:

The Columbia County is under a Court Consent Decree. Therefore, the proposed draft charter provides that Columbia County retains the five member county commission residing in single member districts. County Commissioners will live in the district they will be running in, and all will run non-partisan. Commissioners will be subject to recall as provided in general law.

The county manager form of government was adopted and a separation of responsibilities from the legislative functions of the county commission, with those of the county manager. The county manager is the head of the administrative branch of government, which is a very significant change.

The constitutional officers are retained for the most part in their current form with the current form of powers and duties. The draft charter shows no changes to their independent status of their offices regarding powers and duties. The constitutional officers shall be elected on a non-partisan basis and will be subject to recall as is provided in general law.

There are a number of areas where county ordinances prevail over city ordinances on a countywide basis. He used as an example, adult entertainment, environmental protection, animal control, hours regulating the sale of alcoholic beverages, firearms and weapons and level of service standards for county owned roads.

Citizen initiative provides the public with the ability to propose ordinances or changes to the charter. A petition process is in place to have issues placed on the ballot by obtaining a certain number of signatures.

A charter review commission is created in the draft charter. It will meet for the first time four years after the adoption of the charter, and will meet every ten years thereafter.

There are two additional public hearings scheduled. Once the last public hearing has taken place, the final proposed charter will be submitted to the Board of County Commissioners. The Board of County Commissioners is required to call for a special election. The special election may occur during the general election, which will be on November 5. The Charter Commission is dissolved after November 5<sup>th</sup>.

In closing, Mr. Spitzer stated that charters are creatures of the electorate. They are not creations of the county commissions or anyone else in public office. The charters may be adopted, amended or repealed only by a vote of the public.

### **Public Hearing**

The public and the commission were encouraged to provide input during the public hearing. The Chair encouraged everyone to use up to five minutes each to make suggestions:

Commissioner Ed Parker asked to go on record as saying that he has not, and will not approve any part of the draft charter. He was of the opinion that the charter is drafted for the politicians and not the citizens. He also feels the charter takes away powers the citizens already have and diverts the powers to the politicians.

Commissioner Parker reminded everyone that a group of concerned citizens met and developed a proposed charter for the people of the county. The proposed charter was submitted to the Charter Commission for consideration at the first meeting. The charter he submitted was created after generating opinions from "the people". He complained that taxpayers' money has been spent to the tune of \$16,000 on developing a draft charter that will protect and give more powers to the politicians. Commissioner Parker concluded by saying "I wanted to go on record, that I have not approved any of "this." I have not approved of any of the expenses that have been spent on this Charter Commission and I would like for the citizens to know that. I would like to see a charter for the people, not the politicians.

Mr. H.L. Sistrunk expressed that he has not been satisfied with the meetings. He read a quote of George Washington's, "It is impossible to write and govern the nation without God and the Bible." He said, "We have come a long way from the days when the majority of our elected politicians openly admit that they need God and the Bible. He expressed that it appears politicians think they know best without God and the Bible. He stated that our government should be, but doesn't seem to be for the people and by the people. He felt it was absurd that the County Commission appointed the Charter Commission. He feels no changes could be expected in our local government as long as that was the procedure. He agreed with Commissioner Graham's comment that the people missed a perfect opportunity to pole "the people" for their opinions. He feels the draft charter was written for those already in office, or those seeking office. He felt the regularly scheduled meetings were set at the charter commission's convenience, and that they were intentionally set at an inconvenient time for the public. He also did not feel adequate notice was given for the meetings.

Mr. Coy Williams said he felt, and still feels the commission stacked the deck against the people (he didn't indicate which commission). He criticized the Charter Commission for disregarding the signatures (obtained by Commissioner Parker before the creation of the charter commission) that were provided, which indicated what "the people" want in a charter. He stressed that signatures on the petitions were obtained in a variety of places and was a good mixture. He stressed that the public wants limited terms. He said he understands, and believes it would be a good thing for the charter to abolish constitutional officers and other elected officials' jobs and be brought under the charter commission. He feels citizens should decide salaries. He concluded that he feels the districts should be divided on the population in each district, and also thinks a charter review commission should be appointed immediately.

Mr. David Willis stressed one of the reasons for the initiation of a Charter was to involve people more in their county government. He questioned why salaries were not discussed in depth. Although Mr. Willis is personally against term limits, he felt it should have been discussed. He said he was bothered that the tax situation in the county wasn't addressed and no opportunity was provided for a citizen to address a tax issue. He is glad recall was addressed. He said that he could not in good conscience recommend anyone vote for the draft charter since it doesn't put the power in the hands of "the people."

Mr. Wayne Williams encourage the commission to take advantage of a golden opportunity to help the people of Columbia County. He expressed that countywide elections should be considered, as well as pooling all road funds to be used as determined by the county's engineer. He provided statistics from the University of Florida, Department of Economics and Business Research. Columbia County's population in the year 2000 was 56,513. From 1970-1980 there was a 40.2% increase in population. From 1980-1990 there was a 20.4% increase in population. From 1990 till present, there has been a 32.6% increase in population in this county. The per capita income is just over \$19,000 for workers in Columbia County. He stressed the need for jobs.

Mr. DeWitt Cason, the Columbia County Clerk of Courts addressed the Commission not as an elected official, but as an interested taxpayer. He expressed his concern regarding Article III, which addresses the powers and duties of the county manager. Mr. Cason was of the opinion that the current system of checks and balances would be weakened if the draft charter were passed as it is now written. He felt that the current draft charter weakens the system of checks and balances now in place, doing away with an individual that is responsible to the voters of this county, and gives the responsibility to a person appointed by the county commission. He encouraged the Charter Commission to consider creating an elected position to handle the checks and balances if they desired to move the responsibilities from the Clerks Office. He concluded by asking the Commission to consider this issue further, and asked if an elected position is not deemed a viable option, for them to consider leaving the checks and balances as is, establish it as an elected comptrollers position, or appoint an auditor

or comptroller position directly under the Board of County Commissioners separate from the powers of the county manager. He said, "If you take the third approach you will at least maintain the "team approach" you now have in place."

Commissioner Bicknell said, "I'd just like to say that this is the most number of people we've ever had to show up at a meeting, and if the population in the county is growing at such a drastic pace, I don't think even a thousand people are representative of the entire county."

He addressed the comment that the power has been taken from the people, and placed with the politicians. He said regarding term limits, "If you vote, you can vote a person in or out of office. Recall is provided to the citizens in the charter, and with the exception of Mr. David Willis, absolutely nobody has approached me with a suggested pay formula or schedule, and personally he believes a person gets what they pay for."

Mr. Bicknell is of the opinion that our county government is doing a tremendous job. He encouraged everyone to take a look at the financial stability of the charter counties, and then to look at the financial soundness of Columbia County. He expressed he believes the charter issue was promoted by Polk County who is also millions of dollars in the hole.

He said, "The people" are like big bulls inside of a fence. If they understood or knew how much strength they had collectively, they could push the fence down. But, the problem is that you can't get everyone to work together." He pointed out that obviously nobody is going to be completely happy with the charter as it is written; not even the charter commissioners. However, provisions are in place to make changes "if" the people really want it and are willing to work to get it.

He reminded everyone that the Commission's task was to determine what, if anything could be changed that would "better" the government we already had in Columbia County." He reiterated that nobody is going to be 100 % happy with the draft charter, but "the people" have the power to change it.

He concluded by saying, "I agree with DeWitt Cason that the "team concept" is a good choice." Commissioner Bicknell personally feels that the Clerk of Courts office has worked tremendously with the Board of County Commissioners, and with Mr. Dale Williams and have done a wonderful job together. He said, "Folks if we are \$17,000,000 in the black, somebody is doing a good job." He hoped people would take time to find something "good" in our county government and not be so critical.

Commissioner Walker addressed the complaints that term limits was not discussed more in-depth. He explained that the Supreme Court ruled that setting term limits would be unconstitutional, and therefore there was no reason to discuss the matter further. He also explained that he has had the opportunity to work with a few of the county's who have abolished their constitutional officers' positions, and said, "And folks, let me tell you, it's hard to get anything done." He concluded that he agrees with Commissioner Bicknell in that if you don't like your elected official; make a change at election time.

Mr. H.L. Sistrunk spoke again. He expressed that “the people” may have been over taxed if the County is in the black, and maybe some it should be given back. He made complaints again regarding the extended gas tax.

Mr. David Willis spoke again. He said that he feels officials should be elected and still have salaries established, and secondly he feels for the county to be so far in the “black” financially, somebody has been overcharged. He suggested that the money be refunded to “the people” also.

Mr. Wayne Williams spoke again. He said the most important thing in this county is that everyone will be educated and not left behind. He went on to say, “When you’ve got county commissioners making the salaries they are making for a part-time job, with a full time retirement, and they are making more money than many of the school teachers there is a problem.” He stressed that he feels commissioners are overpaid. He feels the commissioners’ positions are part-time with a full time retirement.

Commissioner Rountree responded to comments made by the public.

Mr. Wayne Williams’ comment about needing a County Engineer, and Commissioner Rountree responded the county already has an engineer. Regarding the comment about abolishing the Supervisor of Elections’ Office. He said, there is nothing in the charter, which addresses the Supervisor of Elections’ Office. And finally, regarding single tax issues presented by Mr. David Willis, Commissioner Rountree responded, that the matter was discussed, and the June 17 minutes reflect that per Attorney Allen Watts, the Commission could not insert anything into the draft charter requiring a referendum for single purpose tax increases. Commissioner Rountree pointed out that the issue has been challenged and upheld by the Florida Supreme Court. Commissioner Rountree informed Mr. Willis that he could find more details on page 14 of the minutes.

Mr. Coy Williams spoke again explaining there is a big difference in term limits, and people voting at the polls. He asked, “If term limits are so bad, why are they imposed on the President of the United States?”

There were no further requests from the public to speak and the public hearing closed. The chair thanked everyone for taking time from his or her scheduled to come to the meeting to offer input, and also thanked all home viewers. He encouraged the public to submit proposed language at the final hearing to be considered for the draft charter.

#### **Final Housekeeping Matters**

Commissioner Rountree asked that in order to be uniform and consistent, that the word “non-partisan and the word non-charter” be consistently spelled throughout the charter using the hyphen. It was agreed that the change would not affect the meaning of the word within the charter. Also, he suggested that the wording on Page 6, Section 2.8 (4) be changed. He was of the opinion that the wording of “adopt by 2/3 vote of the full

board of County Commissioners” should be changed to, “adopt by a majority plus one of the entire board of County Commissioners,” since a 2/3 vote of five members is not mathematically possible. The Commission felt the wording, “simple majority” would likely be appropriate, but agreed to address it later.

Page 12, Section 6.1.3, in the first sentence, Commissioner Rountree referred to the current wording of “The power to enact, amend or repeal an ordinance or amend this Charter...”. Mr. Rountree suggested that the words “or amend this Charter” be removed since charter amendments are addressed in Section 8.3.2.

The suggestion was noted. Finally, regarding the minutes of the June 17<sup>th</sup> meeting, he said that he believes that the wording “the electorate of Columbia County” was corrected by motion to reflect “any citizen of Columbia County”. He said there was a sentence added to the section concluding that paragraph, which said, “Any citizen of Columbia County does have the right to approach their county commissioner regarding the re-address of any subsequent matter. However, Commissioner Rountree said he didn’t think that that was the intent of the motion. Commissioner Rountree feels the minutes address the first sentence of the paragraph. Chairman Brown responded that the concern would be noted and discussed at the final hearing.

Commissioner Terrell responded, “I was the one that made that motion at the last meeting, and it was seconded and approved unanimously by the entire board.” The chair asked, “As it is written in the minutes?” Commissioner Terrell responded, “Yes, and it should be “any” citizen. It’s on Page 16 of the minutes, next to the last paragraph.” The Chair noted Commissioner Rountree’s concerns.

Page 5, Section 2.7 states that the Board of County Commissioners will hold their meetings on Tuesday. He suggested it might need to be changed to “Thursday.” This would allow for the organizational requirement to be conducted at regular meetings versus a special meeting. The Chair noted the request. The issue will be considered prior to the final charter being prepared.

### **Appreciation Expressed**

Chairman Brown expressed thanks to Sandy Markham from the Clerk of Courts office for doing an excellent job at taking and transcribing such large sets of minutes in a timely manner. He also thanked Lisa Roberts from the Board of County Commissioners’ Office for timely preparing agendas, notices and helping out with other clerical needs.

### **Invoices**

The Charter Commission considered an invoice for \$4,346.93 from Attorney Allen Watts’ office, and an invoice from Consultant Kurt Spitzer’s office in the amount of \$3,914.46.

Motion by Commissioner Poole to approve the invoices. Second by Commissioner Graham. The motion carried. Commissioner Parker opposed the motion.

There was also an invoice from Eyespike for website maintenance in the amount of \$20.25.

Motion by Commissioner Poole to approve. Second by Commissioner Turberville. The motion carried unanimously.

**August 12<sup>th</sup> Public Hearing**

Motion by Commissioner Turberville to have the August 12<sup>th</sup> meeting changed to the School Board Administration Office at 7 P.M. Second by Commissioner Bicknell. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Tom Brown, Chairman  
Columbia County Charter Commission

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**JUNE 17, 2002**

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- 5:30 P.M.            \*Call to Order  
                         \*Invocation  
                         \*Pledge to U.S. Flag  
                         \*Roll Call  
                         \*Approval of Minutes
- 5:35 P.M.            \*Mr. Dale Williams, County Coordinator  
                         Mr. Joe Cone, City Manager  
                         (1) County Wide Ordinances
- 6:00 P.M.            \*Mr. Kurt Spitzer, Charter Consultant  
                         Spitzer & Associates  
                         (1) Review of Supplemental Language re: County Manager
- 6:20 P.M.            \*Mr. Richard Powell, CPA  
                         (1) Independent Comptroller Presentation
- 6:30 P.M.            \*Mr. Kurt Spitzer  
                         (1) Discussion of County Audit Function
- 7:00 P.M.            Allen Watts  
                         (1) Discussion of Recent Judicial Decisions  
                         (2) Review of Draft Charter Provisions
- 7:30 P.M.            Mike Null  
                         Discussion and Vote on Proposed Charter
- 8:00 P.M.            \*Remarks of Interested Citizens
- 8:15 P.M.            \*Unfinished Business
- 8:30 P.M.            \*Adjourn

# Columbia County Charter Commission

**June 17, 2002**  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Jim Poole opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **Opening Comments**

Chairman Brown was absent due to a scheduled medical procedure. Vice Chairman Mike Null presided as Chairman for the evening.

The Chair advised the Commission that no word has been received from the Board of County Commission's office regarding the replacement of the Charter Commission vacancy. He told the Commissioner that he is optimistic a Charter Commissioner will be appointed next week.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

### Commissioners Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Jim Poole, Seeber Johnson, Mike Null, Ozell Graham, Edsel Parker, David Rountree, and Delton Turberville.

### Commissioners Absent:

Tom Brown, Mario Coppock and Rick Bicknell.

## **Housekeeping Matters**

Unless the Commission finds it to be necessary to meet again in a regular meeting, this will be the last regular meeting. This will be determined later in the meeting.

The upcoming public hearings will begin held at the Lake City Community College. The meeting space has changed from the Fine Arts Center to the Barney McRae

Technology Center due to renovation issues. The public hearings will be taped and aired on the College Channel (Channel 8).

### **Charter Attorney Allen Watts**

Charter Consultant Kurt Spitzer introduced Attorney Allen Watts to the Charter Commission.

### **Countywide Ordinances**

As directed by the Charter Commission, County Coordinator Dale Williams, City Manager Joe Cone and City Attorney Herbert Darby met for the purpose of drafting proposed language for Section 1.8 of the proposed charter, which addresses the conflict of county ordinances with municipal ordinances. Mr. Dale Williams read the proposed language into the record.

Notwithstanding any other provisions of this Charter, any county ordinance in conflict with a municipal ordinance shall not be affected within the municipality to the extent of such conflict, regardless of whether such municipal ordinance was adopted or enacted before or after the county ordinance. Provided however, that county ordinances shall be effective within municipalities, and shall prevail over municipal ordinances only when the county shall set minimum standards for

- 1) Regulating adult entertainment,
- 2) Protecting the Environment by regulating air or water pollution,
- 3) Outdoor burning,
- 4) Hours of sale of alcoholic beverages,
- 5) Animal control,
- 6) Firearms and weapons,
- 7) Protection of Level of Service Standards for county maintained roads, and only to the extent that such minimal standards are stricter than the applicable municipal standards.

The intent of this section is that no person within the municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult entertainment, pollution regulatory standards, outdoor burning, hours of sale of alcoholic beverages, animal control, firearms and weapons, and protection of level of service standards for county maintained roads.

Mr. Dale Williams advised that the City and the County have agreed upon the language. However, they realize that minor changes may need to be made by Mr. Allen Watts to fit a charter format.

Commissioner Rountree asked for clarification of the section that read "only to the extent that such minimal standards are stricter than the applicable municipal standards." He asked if the wording should be reversed. Mr. Williams responded that the attorney could answer that question, but the intent is that the county can adopt an ordinance, and it will apply in the incorporated and the unincorporated areas. The City has the right to adopt a more stringent ordinance or regulation than that adopted by the County.

Mr. Allen Watts said that he understood it as read, but if it could be understood differently, he would reconsider the wording to make sure it could not be interpreted two different ways, and address it later in the meeting.

#### **Supplemental Language by Kurt Spitzer**

Charter Consultant Kurt Spitzer recalled that at the last meeting, that there were several questions and suggestions regarding the proposed charter. He offered the following:

County Manager – The concern expressed was that the language of the draft Charter was not as detailed as some of the commissioners would have liked. Mr. Spitzer prepared and distributed a series of subsections that could be added to Section 3.3 of the proposed Charter for clarification. Mr. Spitzer added that this would assist in clarifying what the duties of the County Manager.

Commissioner Walker asked, "Under this thing, you've got that the County Manager will prepare and submit an annual operating budget for the Board of County Commissioners. Is this the same thing the Clerk of Courts is doing now? Is he (County Coordinator) going to take over his (Clerk of Courts) duties under this?" Mr. Spitzer responded by telling him that the wording he is referring to is in the already proposed Charter, and not in the amendments that are going to be presented. Mr. Spitzer added, "To be clear on that point, that transfer could be effectuated right now pursuant to general law. The County Commissioner has the power to designate a budget officer other than the Clerk of the Court." Chairman Null recalled that topic was discussed in an earlier meeting, as was the Road Department. Under the Charter, both would fall under the County Manager.

Commissioner Turberville asked, "Since we've basically adopted the County Administrator form of government from the Florida Statutes, is there a particular reason we don't just go and say, "County Administrator" instead of "County Manger?"

Mr. Spitzer responded that there isn't really any difference in the duties, but he recalled that Mr. Dale Williams was actually the person that requested the terminology "County Manager." The additional wording is:

- (a) Administer and carry out the directives and policies of the Board of County commissioner, and enforce all orders, resolutions, ordinances, and regulations of the Board to assure that they are faithfully executed.
- (b) Report to the Board on action taken pursuant to any directive or policy within the time set by the Board, and provide an annual report to the board on the state of the county, the work of the previous year, and any recommendations as to actions or programs the Administrator deems necessary for the improvement of the county, and the welfare of its residents.
- (c) Provide the Board, or individual members thereof, upon request, with data or information concerning county government and to provide advice and recommendations on county government operations to the Board.
- (d) Establish the schedules and procedures to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process.
- (e) Prepare and submit to the Board of County Commissioners at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year and submit his or her recommendations.
- (f) Supervise the care and custody of all county property.
- (g) Recommend to the Board, a current position classification and pay plan for all positions in county service.
- (h) Develop, install and maintain centralized budgeting, personnel, legal, purchasing and other administrative procedures and systems.
- (i) Organize the work of county departments, subject to an administrative code developed by the administrator and adopted by the Board, and review the departments, administration, and operation of the county and make recommendations pertaining thereto for reorganization by the Board.
- (j) Employ, supervise, suspend, discharge, or remove any employee under the jurisdiction of the Board pursuant to procedures adopted by the Board.
- (k) Negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to approval of the board, and make recommendations concerning the nature and location of county improvements. Ensure terms and conditions in all leases, contracts, and agreements are performed, and notify the Board of any noted violations thereof.
- (l) Order, upon advising the Board, any agency under the Administrator's jurisdiction as specified in the administrative code to undertake any task for any other agency on a temporary basis if he or she deems it necessary for the proper and efficient administration of the county government to do so.
- (m) Perform such other duties as may be required by the Board of County Commissioners.

Motion by Commissioner Rountree to adopt the draft language as presented regarding the powers and duties of the County Manager. Second by Commissioner Walker. The motion carried unanimously.

#### **Independent Comptroller Presentation by Richard Powell**

Mr. Dale Williams asked, and the Charter Commission agreed at the last meeting, to hear a presentation regarding an independent comptroller for the county.

Mr. Richard Powell made a presentation. Mr. Powell is a local Certified Public Accountant, and is also the external auditor for the Board of County Commissioners.

Mr. Powell thanked the Commission for allowing him the opportunity to speak, and advised that he is speaking as an individual, and not an auditor or consultant. However, he spoke based on his auditing experience.

Mr. Powell presented to the Commission, a printout of the duties of a statutory county government, which places the Board of County Commissioners (County Manager) as the overall administration of county services. The printout also reflects the duties if separated. See attached.

Mr. Powell pointed out that the court system is the fastest growing area of the county budget. Right now there is approximately \$600,000 in court related expenses that the county has within the budget, which no county official is actually supervising. These are items such as court appointed attorneys, interpreters, witnesses and so on. He explained current practice, "The way the county does the budget for these, they kinda look at how much they're spending now, how much they spent last year, and putting in enough hoping to cover it. And so, there really isn't any county officer doing much administration of it." He went on to say it's obvious the court system is greatly expanding and he believes there is a reasonable area to make the Clerk of the Court the court related official. Mr. Powell was of the opinion that because the demands and standards are greater now than ever before, and because the financial areas are always facing new changes, that the financial areas would be best handled by a comptroller.

While on the subject of finances, the Chair advised that he made contact with the Clerk of the Courts late last week to inform him this issue would be discussed. Unfortunately, DeWitt Cason had already committed himself to participate in a conference out of town tonight. The Chair asked Mr. Powell if he has had the opportunity to speak with Mr. Cason regarding this handout and the issues being discussed. Mr. Powell responded that he discussed the matter at length with Mr. Cason, and Mr. Cason advised that he agreed with the concept, as long as the basic controls and the checks and balances were not compromised.

Commissioner Parker asked, "Does the Clerk of the Court have the authority to request an independent audit of the county records?" Mr. Powell responded that he supposes any officer could request an independent audit at any time, but every county has

one every year. Mr. Powell also said that he believes the Board or any officer, or anyone at any time can petition the Auditor General's Office to have a special audit of the county through a particular process.

Commissioner Parker asked, "Has this county, since you've been auditing the books, had any outside auditors come in and audited the county books?" Mr. Powell responded, "As long as the county has had an audit, we've had a succession, of course it wasn't always the same firm. I've been involved in two or three firms I think, but there has been a rehiring audits that expired and then the renewal clause, and rehiring."

Commissioner Johnson asked, "What size counties have controllers now?" Mr. Powell responded, "I'm not sure. I've heard there is only one that has a comptroller, maybe Orange County." Mr. Johnson asked, "Are we having any problems now?" The response was "No."

Commissioner Rountree asked, "Who do you envision that the comptroller would report to? The Clerk of the Court, or the Commissioner?" Mr. Powell responded, that it should be an independently elected person who would be a co-equal person. He went on to say if you put them under anyone, then you are defeating some of your internal control.

Commissioner Rountree asked, "Have you estimated the number of employees, or the cost of what it would take to initiate such a program?" Mr. Powell responded that he hasn't done that type of study, but stated he was aware there are a number of employees in the Clerk's Office that are now responsible for the financial areas.

Commissioner Rountree asked, "In the identified items that you would see the comptroller would be responsible for, would it not need to address efficiency and performance audits within the county?" Mr. Powell responded, "That's what internal audits address."

Commissioner Rountree asked if the duties could be separated without bringing the Clerk of the Courts under the Charter umbrella? Mr. Allen Watts responded, "Yes, in fact, there is a provision in Article V, the Judicial Article of the State Constitution that provides that the Office of the Clerk may be split between a Clerk of the Court System and a Clerk to the Board of County Commissioners, who then takes on those non-judicial functions of the Clerk. That is the auditor, treasurer, custodian of funds, clerk to the board and so forth. In Article VIII, which deals with local government, with respect to the other four county officers, you have either an all or nothing. They're either under the charter, or they are not. In the case of the Clerk only, the Constitution provides that the Charter may take any of the duties that are otherwise lodged by the Constitution with the Clerk and place them under some other area in the Charter. You can do those one at a time, or only one. Those other duties are of Clerk to the Board of County Commissioners, auditor, county recorder and custodian of county funds. You can take any one of those duties that reside with the Clerk unless otherwise provided, and you can take that duty and lodge otherwise, and leave the Clerk as a constitutional Clerk."

Commission Terrell asked, "What is the difference between the existing work that the Clerk of Court is doing versus the proposed? I don't see any difference at all except that in the proposed, he will be writing the county policies and procedures for the Board of County Commissioners." Mr. Powell responded, "You are exactly right. But when you see growth in the counties, you will see the finances stay wherever the Board is, and the judicial functions will stay where the court activities are going on. I suppose."

Commissioner Graham commented to Mr. Powell that he wondered what additional benefits the county would have by having a comptroller, if an internal and external auditor is already in place. Mr. Graham questioned if we had any problems that would warrant hiring a comptroller, and if the need is great enough to place an additional financial burden on the taxpayers. Mr. Graham said, "I think what we have now is working." Mr. Powell responded, "If I had to say, Columbia would be clearly overall be at the top of the list."

Commissioner Poole asked for clarification, "Are you an external or outside auditor, or are you internal county officer?" The response was, "I am an external auditor."

Mr. Spitzer distributed a list of the seventeen charter counties that have made a change to the office of the Clerk of the Court. He noted that almost all have created an audit position that is hired and fired by the Board of County Commissioners. The responsibilities for finance and accounting are transferred to the County Manager or a position underneath the Manager. The Commission Auditor is created as a charter office. There are typically educational requirements imbedded in the charter, and that person is hired and fired by the Board of County Commissioners. The person's position is put in place so that the governing body has an independent check on the departments under the control of the Board of County Commissioners.

Chairman Null advised that Mr. Powell has not provided this information due to deficiencies within the audit reports, or any issues that are in question. He provided the foregoing concept as information to be considered by the commission while Columbia County is in the process of writing a proposed Charter Government.

### **County Audit Function**

There are seven to eight of the charters that provide for an alternative to the current system. Most provide for an office that the auditor is hired and fired by the Board of County Commissioners. The office would be a charter office in addition to the County Manager.

Mr. Spitzer asked of Mr. Watts, "To what extent could an elected comptroller or appointed internal auditor of a charter office be empowered to conduct internal audits of departments under the Board of County Commission and the constitutional officers, and also to recommend and adopt a county policies and procedures for the Board of County Commission and the constitutional officers?"

Mr. Watts replied, "With respect to the county constitutional officers, a charter may not transfer the powers or duties of the county constitutional officers away from those elected officers by piece-mill. The constitution lays out two things that can be done with the county constitutional officers. One is that they may be chosen in another manner such as being appointed or elected differently. But, whatever the powers and duties are that are created by general law must stay with them." He said that he believed the charter can add to the duties imposed by general law on a county constitutional office. Among those additional regulations possible, submission of the office to an internal audit, or other regulations that the Board of County Commissioners may consider adopting. Mr. Watts asked them to remember that the legislative power of the State of Florida in local government matters is delegated by the Constitution to the governing body of the Home Rule chartered county. Therefore, whatever the legislature might do by special legislation that pertains to Columbia County, the Board of County Commissioners could also be authorized or forbidden to do. This would explain what the charter could provide for in an internal audit function that would extend to the county officers. The election or appointment of an auditor would have to be addressed by the Charter.

Mr. Spitzer distributed a document with draft language for a Commission Auditor. He advised that it is very similar to that that presently exists in Clay and Osceola Counties. The draft language requires the County Commission to appoint an auditor. It sets out some general requirements for the holder of that position, and that they serve at the pleasure of the Board of County Commissioners. The duties are to conduct financial and compliance, economy and efficiency, and performance audits of personnel, departments and programs of the Board of County Commissioners, with written reports submitted to the County Commission and the County Manager. It further provides that that person will have open, free and unrestricted accesses to all county government records and personnel records. See the attached description. Mr. Spitzer advised the Commission that the first decision they would need to make is whether or not there should be a change in this area.

The Chair opened the floor for discussion.

Commissioner Walker asked, "Don't we now have an internal and external auditor?" The response was, "You have an external audit, and then you have an internal audit function through the Clerk's Office." Secondly, Commissioner Walker asked, "Aren't we just mainly trying to do Article 3.3 to transfer the duties of the budget over to the Board, and leave the rest as is?" Mr. Spitzer responded, "That's all that the Charter does at this particular time." The Chair offered that as it stands now in our draft that we adopted earlier, the only change is the budget. Mr. Spitzer offered that logically, the finance and accounting departments would be moved over to the manager, and leave audit with the other position.

Motion by Commissioner Johnson, "I make a motion to leave this alone, and just go with what we have right now." Second by Commissioner Graham.

The Chair clarified the motion. The motion is to leave it in its present format and not consider either of these alternatives or other changes that would make the current structure any different.

Commissioner Rountree advised that he is against the motion, because even if the budget responsibility is changed from the Clerk to the County Manager, we have in effect left a hole in the checks and balances of the day-to-day activities of the county government. He said that because of that audit function that would not be addressed by having all budget processes under the County Manger. He asked, "Who will be looking over his shoulder if there is no other agency or an auditor?"

The Chair asked Mr. Dale Williams to respond to Commissioner Rountree's comment, and inform the Commission if there would be a "gap or hole" left.

Mr. Williams responded that he agrees with Commissioner Rountree. He explained that as the system is now, the County Commission is completely separated from any of the monetary functions, such as investment of fund, cutting of check, pre-audit function and all of the things that go with the processing of a county budget. He said, "Simply put. I believe good government is one in which there is a clear and distinct separation of duties and powers. I can assure you today, that the Clerk does provide an internal auditor."

Mr. Williams said of the counties mentioned that have created internal auditors, "I don't believe the Clerks, of their own initiative simply created those positions prior to the charter." Mr. Spitzer responded, "These are all charter created auditor." Mr. Williams clarified that the auditor may be in place because they had to put one there. He said, "Our Clerk has chosen to provide one, which I think is good public policy. And that internal auditor has the authority to stop payment of any warrant, invoice, or purchase order submitted that they feel does not meet the minimum requirements of policy or law. Mr. Williams went on to say, "When you transfer those responsibilities to a County Administrator or County Manger, you have to have some checks and balances for the perception of the public if nothing else. And who is going to perform the function?" He said, "If you are asking my opinion, "I simply don't think that is good government." He concluded, "For all of the problems some feel that we've had, the one problem that we have not had is problems dealing with money, checks being issued incorrectly, embezzlements and things of that nature, and the reason is due to all of the checks and balances that exist." Richard Power interjected that if the Charter provides for an internal auditor, they would have to be independent of the County Manager.

Commissioner Parker asked Mr. Powell if he is an independent auditor, and the response was affirmative.

Commissioner Terrell asked who the internal auditor now falls under. The response was the Clerk of the Courts has a hired employee that is responsible for internal auditing. The commissioner asked who the internal auditor would fall under if "this new structure is approved." Mr. Williams responded, "It depends on the structure. It needs to

be clear cut and defined checks and balances between the administrative functions and the auditing functions.” The Commissioner asked if this responsibility could fall under a comptroller. The response was, “Yes.” Mr. Williams advised what the Commission has to decide if that is the most cost efficient way to perform that function. Also, the Commission will need to decide if it is even necessary at this time in the County’s life to separate those functions from the Clerk. Commissioner Terrell said, “The wagon wheel isn’t squeaking, so lets not put any grease on it.”

Commissioner Johnson said that he thought the internal auditor position was already written in, and that it was a position covered by the Charter. Mr. Spitzer responded, “No. What you have done thus far is locate the responsibility for preparing the budget with the County Manager. Nothing else has been changed as it relates to current practice. Therefore, to the extent that the Clerk of the Court is currently providing the internal audit function, it will remain the same in the charter unless the wording is changed.

There was a call for the vote. The Chair reviewed the motion. “The motion is to leave everything as is, with no changes in the auditing function. The motion failed, 7-4 with Commissioners Parker, Rountree, Poole and Null voting in opposition. Based upon the by laws and the 2/3 required vote, there will be no change to current practice.

Commissioner Terrell disagreed with the 2/3’s vote understanding. “I don’t see this in the bylaws. The bylaws say the majority wins.” Chairman Null responded, that it requires 2/3 of members present. He pointed out that the vote is based on the eleven members present, and the vote did not affect the current structure. Commissioner Terrell contended that he feels there is a misinterpretation of the voting rules in accordance with the bylaws, because in his opinion, the bylaws clearly state that the majority carries.

Commissioner Turberville asked, “We need to take a line out of 3.3 to allow us to continue with our present situation of transferring all powers. Is that correct? Isn’t that where we would need to change to put the safeguards back into our situation?” Mr. Spitzer replied, “I don’t think so. If you’re speaking of the budget, that gives the budget responsibility to the County Manager. No, I don’t think that has any bearing here.”

### **Recent Judicial Decisions**

Mr. Allen Watts discussed recent decisions of the Charter Commission to the extent that they may or may not have an affect on deliberations thus far.

Last month, the Supreme Court decided two cases pending that dealt with the power of county charters and the issue of term limits. Mr. Watts read highlights of the opinion: The Supreme Court’s decision holds that charter amendments imposing term limits on county constitutional officers are unconstitutional, because they add a disqualification not contained in the Constitution. The Constitution provides for the disqualification of candidates if they have been convicted of a felony, and in the case of

state legislators, the governor and cabinet officers, they are disqualified if they have served eight years. There are no other qualifications or disqualifications for county officers expressed in the Constitution.

Therefore, the basis for the Supreme Court's decision in a case called *Eight is Enough*, both dealt with the fact that the Constitution is silent on qualifications and disqualifications for county officers, other than a disqualification for commission of a felony. Mr. Watts felt it was important to note that in some cases, it is not even a requirement to be a registered voter to run for offices. The Pinellas County Initiative, which was a citizen's petition to create term limits in the Charter, also had the goal of imposing term limits on the county commissioners. But they did not petition the court for any review of those limitations. Likewise, the section of the Duval Charter addressed only the imposition of term limits on the Clerk of the Circuit Court. He noted that Duval County does not have a Board of County Commissioners under their consolidated city/county government. They have a City Council. Thus, the recent decision has no legally controlling affect on the provisions in the Polk County Charter that provides for term limits on county commissioners. If the Polk County Charter had provided for term limits on county officers, this decision would have prevented that (Unless the officers are charter officers).

The county commissioners can be addressed by the charter with respect to term limits, where county officers cannot be, based on this decision. County Commissioners are provided for in Article VIII, Section 1 (e) of the Constitution. Article VIII, Section 1 (d) addresses the five constitutional county officers. The differences between the two sections are essentially that the governing body of a charter county may be as the charter provides it. Mr. Watts said, "So in essence, you wipe the slate clean when you become a charter county. And, you don't have to abolish the Board of County Commissioners; it's whatever the charter says with respect to the governing body. And, I think under that distinction, you could probably still have term limits."

He addressed the question of whether there was an analogy to term limits in the decisions by the Supreme Court that would prevent a charter county from creating non-partisan offices. The response was that the proposed language of the charter provides for the non-partisan status of the Sheriff, Clerk, Tax Collector, Property Appraiser and Supervisor of Elections. The decision in the *Eight is Enough* case is only that a Charter may not add to the disqualifications from candidacy already listed in the Constitution. The choosing of an officer in a partisan or non-partisan manner is not a disqualification of a candidate. He said, "If the recent decision was read in a vacuum, one would be tempted to concluded that the entire party primary system, which itself creates disqualification and qualifications has been cast into constitutional doubt. He said, "Indeed there are no constitutional qualifications whatsoever for election to county office. It is permissible for a non-elect, or even a non-citizen to be elected. The majority opinion in the *Eight is Enough* relied on a case that goes back to the 19<sup>th</sup> Century, which the Court noted that the 1885 Constitution had omitted a provision from the 1868 Constitution that had required public officers to be registered voters. The Court ruled that the intention must have been to not restrict the election of officer to persons having the qualifications of a registered voter. The decision reaffirms that no statute or charter

may create a disqualification from office, where the constitution is silent. Thus, the Court seemed to say that the Constitution affirmatively allows Osama Bin Laden to qualify and be elected as Sheriff of Polk County so long as he is not a convicted felon. There are no constitutional qualifications for a sheriff.” Mr. Watts said that he doesn’t think that it goes that far, because of Article VI, Section 1 of the Constitution. The article authorizes the regulation of elections, and provides in part that registration, elections and political party functions may be regulated by law. That power is not unlimited, and there is a prohibition in the Constitution against any special act pertaining to the election, jurisdiction or duties of officers, except in charter counties. The legislature cannot act, especially with respect to county officer, unless it’s a charter county. The reason is that a charter is the equivalent of a special law that addresses those officers.

The question specifically of non-partisan office has been cleared up in some subsequent decisions of the Supreme Court in 1990. The Court held that special acts creating non-partisan school board members were valid in Palm Beach County, because Palm Beach is a charter county. There was also a subsequent decision involving specifically a charter amendment, in which the district court of Appeal in Volusia County held that a charter amendment creating the school board is non-partisan, was specifically constitutional. Therefore, with respects to the proposed language in Columbia County’s proposed charter, with respect to the non-partisan status of offices, that the provision is unaffected by the recent decision of the supreme court.

After indicating that the Charter Commission could address non-partisan elections for constitutional officers, Mr. Rountree asked, “Could we also address recall ... (inaudible)... even though we don’t make them charter offices?” Mr. Watts said that the Division of Elections has offered an opinion that says, “Yes, you may subject constitutional officers to recall. He said the he has since reanalyzed that opinion in light of the recent decisions of the Supreme Court. He said that he believes that the logic still stands. The provision for recall of the Board of County Commissioners in a charter county is set up by the legislature.

There was an advisory opinion that was given to Sarasota County shortly after charter governments became legal in 1975. The Sarasota County Charter provided that in the case of death of a county officer, the Board of County Commissioners or the Charter Review Commission could fill the vacancy on an interim basis, and then there was a provision in place for a special election. There is a different provision in Article IV that allows the governor to fill any vacancy in any county offices. By the Article’s silence, it appears to apply to charter and non-charter, appointed and elected offices. That opinion has not been used since it was issued last, and would have a tendency to cast some doubt on the validity of the statute authorizing recall of Boards of County Commissioners in charter counties. He pointed out that the statute must be presumed to be constitutional, and assume that it is likely that it applies toward county constitutional officers if the power of recall is created in the charter. Mr. Watts reminded the Commission of eight words in the Constitution, “All political power is inherent in the people.” In the case of county charters, there is a constitutional authority that flows directly from the Constitution, to the people who have invoked that option in its government. Mr. Watts

said, "Therefore, I really don't see the Constitution as interfering with the power of the people to remove an officer by recall. I think that that power is supplemental to the power of the governor to suspend for the commission of the seven deadly sins (drunkenness, malfeasance, incompetence, commission of a felony, etcetera." He said, "I think that ultimately, we have to look to the purpose of home rule government, for the purpose of government itself, which is to effect the political will of the people." He went on to say that "If the people, through a duly adopted charter, under the authority of the constitution say that they want to have the power of recall, I don't think it is the prerogative of the courts to say they can't have it."

Commissioner Walker asked what the benefits of recall would be. He expressed concern as to why recall is needed in a charter if the governor already has the power to take someone out of office. He was concerned that if a constitutional officer upsets someone in the process of doing his or her job, that a petition process could begin to have someone removed from office. As a result, the constitutional officers would be forced to defend themselves for simply doing their jobs. Mr. Watts responded hypothetically, "You could have an officer that is an embarrassment to the local community, but is a friend of the governor, the governor is not going to remove them. Recall rarely happens as a practical matter." Mr. Watts explained that for a person to be recalled, they must first have served one fourth of their term. They have to be given a chance to perform in office, and then the petition will follow. The petition would have to list one of the seven sins specified in the Constitution and the statute. Then, the signatures would have to be verified by the Supervisor of Elections. Then, the accused officer has an opportunity to write a defense. The defense must be incorporated in a second petition, which will have to be re-circulated for the purpose of obtaining additional signatures. Then, an election can be called for the purpose of recall. He explained that the process is long, tortuous and seldom used. Mr. Watts felt another benefit is that it keeps elected officials on their toes.

Commissioner Parker asked, "Is it possible to include "all" elected officials in the Charter?" He clarified that he meant the five constitutional officers, the county commission, school board members and the Superintendent of Schools. Mr. Watts responded, "The question is not clear as to the powers of a charter over the school system. The original Duval County Charter provided that the members of the school board would be non-partisan, unpaid and required to use the central county's purchasing system, everyone was hired by the county personnel system, and all school board employees were required to subscribe to a Code of Ethics for all county employees." Mr. Watts pointed out that Duval County is a special constitutional case, because of the city-county merger. Mr. Watts told the Commission that the only case where a non-constitutional charter directly addressed the school system was an amendment of the Volusia County Charter, which made that school board non-partisan. That was an amendment proposed by the Board of County Commissioners at the request of the School Board, and was approved by the voters. It was later challenged, and the Supreme Court ruled that School Board members (at least for purposes of the governor's powers of removal), are county officers. He said it is theoretically possible to make the School Board members and the Superintendent non-partisan, but it has not been totally tested, and therefore would be highly experimental.

Commissioner Parker stated that he believes that "home rule" means true "home rule," which means that the citizens of the county are in full control of their elected officials with no outside interference, with the exception of general law. Mr. Watts responded that his understanding is not entirely true. He explained that the powers of a charter government are to speak to matters of local government. The legislature has the right of preemption in matters of general law, and if the general law says something different, it controls. The Constitution limits the method by which the Charter can affect the powers of the county's constitutional officers. The offices can be abolished entirely, but you can't erode it piecemeal. Commissioner Parker asked if it were true that the constitutional officers' salaries can be controlled through a charter. The response was that the salaries can be, and have been controlled and have never been successfully challenged.

Commissioner Terrell offered that he believes that the school system is part of the county, since it is operated by the county and paid for by the taxpayers. Mr. Watts responded that Florida's Constitution says that there shall be a uniform system, and therefore the charter would not have much authority over the school system.

Commissioner Walker attempted to clarify an earlier comment. "You said that when you go into a charter county, that constitutional officers' salaries can be controlled, that is only if that office has been abolished and reappointed." Mr. Watts agreed.

Commissioner Johnson asked if it is possible to insert into the charter that the county's school board representatives shall be non-partisan. The response was that it could be done, but they are already non-partisan by force of the Constitution and the act of the legislature.

Commissioner Rountree asked if it was possible to insert into the charter, without tampering with the powers of the county commissioners, a requirement for a referendum for proposed single-issue tax increases. The response was no. Mr. Watts explained that the issue was put to the test with the Supreme Court by Charlotte County. The Court ruled that the power of setting the taxes, and deciding which taxes to impose shall lie with the commissioners by general law. The ruling also stated, that any contrary provision of a charter which limited the duties of the county officers under general law would not be in force. He noted the exception is the case of the municipal utility tax. The utility tax has previously been discussed by Columbia County's proposed charter.

#### **Draft Charter Provisions**

Chairman Null asked the Commission to recall that there were issues raised at the last meeting relating to the draft charter. The Chair reported that the questions were submitted to Mr. Watts, as well as a couple of additional questions posed this afternoon.

Mr. Spitzer posed questions to Mr. Watts.

In Section 2.8 there was terminology used, "The entire Board". In Section 2.9 there was terminology used, "An absolute majority of the Board." He asked if the terminology should be consistent. The response was "Yes." He advised that the terminology should be "The entire Board".

In Section 2.8, there was a question concerning the vote by which the County Manager is hired and fired. The County Manager is currently hired by a majority of the entire Board of County Commissioners, but is terminated during a contract term by majority vote at each of two successive meetings. He asked if the majority for termination should be of the entire Board of County Commissioners. Mr. Watts responded affirmatively. He explained that otherwise, there could be a quorum of three and two members vote to terminate the manager. He said that he believes the language should be the same to hire, as it is to fire.

Section 2.10 – Code of Ordinances and Duties of the Commission as it relates to the Clerk of the Court. There is language that speaks to the County Commissioners' duty for reporting and properly indexing minutes. There was a question as to whether the section replaces the duties of the Clerk of the Courts as it relates to the Board of County Commissioners. Mr. Watts responded, "I think that it does, but it may do so, because, in the special case of the Clerk of the Court, the duties of keeping the records and minutes of the Board of County Commissioners may be transferred, and that would not be considered a piecemeal transfer because it is specifically authorized. Mr. Spitzer responded, "There is a policy question as to whether the Commission wants to do that."

Commissioner Turberville clarified that the Board of County Commissioners still has the right to utilize the Clerks Office for this function. The response was "Yes, the Clerk of Courts could be used, the County Manager could be designated as Clerk of the Board of County Commissioners or many others options. Currently, it is the Clerk's discretion, but upon the adoption of the charter, it would be the Board of County Commissioners' discretion."

Motion by Commissioner Rountree to leave the responsibility of the minutes with the Clerk of Courts. Second by Ray Walker for discussion purposes.

Commissioner Walker offered that he thought a decision had already been made to leave this duty with the Clerk. The Chair responded that the language apparently did not clearly indicate where the responsibility would lie.

Commissioner Turberville asked what the Commission needed to do to leave the responsibility with the Clerk of Courts. Mr. Watts said, simply take out the first sentence (no indication was given as to the sentence), and the word "further" in the second sentence. Then, Section 2.10 would read: "The Board of County Commissioners shall maintain a current codification of all ordinances such codification shall be published and made available for distribution on a continuing basis." Keeping the minutes, ordinances and resolutions adopted would remain with the Clerk of Courts. The Board of County Commissioners would publish the day-to-day book that people use.

Amended motion by Commissioner Rountree to strike the first sentence of 2.10, and to remove the word, "further" from the second sentence. Second by Commissioner Walker. The motion carried unanimously.

Section 4.3 Administrative Departments. Mr. Spitzer asked if language should be added that specifically authorizes the Board of County Commissioners to hire the County Attorney by means of a contract similar to the contract of the County Manager. Currently there is no wording along those lines. Mr. Watts replied it is optional to have a charter require a contract for the County Attorney.

Commissioner Turberville said, "I know we voted to make the County Attorney an appointed position instead of an elected position. Personally, I think we shouldn't have done that because as the County Attorney, as we have it in Columbia County, he serves the county. I personally think we should have an elected county attorney."

The Chair asked for questions or comments with regard to the language as it is presently written, or if there was a desire to make modifications.

Commissioner Turberville stated, "I move that we go back to an elected County Attorney. To strike Section 4.3 and continue with an elected attorney." Second by Commissioner Parker. The motion carried with eight votes in favor of the motion, and three votes (Terrell, Johnson and Null) against the motion.

Section 6.1 There was a request to consider additional wording to reflect that citizens always have a right to initiate ordinances by talking to their county commissioners. In the same section, the Commission considered changing the wording, "The electors" to "Any elector". Mr. Watts proposed adding the following sentence to the end of Section 6.1: Any elector also has a constitutional right to instruct representatives and to petition for readdress of grievances.

Commissioner Rountree asked, "By using the word "Elector", are we restricting the citizens who are not registered voters?" Mr. Watts responded that the Commissioner is correct, because a person does not have to be a registered voter to used this process. The wording should be, "Any citizen."

Motion by Commissioner Terrell to further modify the section's wording to say "Any citizen". Second by Commissioner Poole. The motion carried unanimously.

Sections 8.3.1 and 8.3.2 both deal with limitations on either ordinances or charter amendments by initiative. There was a question if the limitations include administrative and judicial functions into some other matters, and do the two terms include matters relating to zoning, planning and land use? Mr. Watts responded, "Yes sir. When you are talking about zoning or subdivision platting, special exceptions, conditional uses, variances, building permits..... All of those kinds of matters are now considered quasi-judicial by virtue of a decision of the supreme court in the early 1990's. They would fall

under the exclusion of judicial matters that could not be addressed by initiative petition. Therefore no changes in the draft language will be needed.

Section 8.3.2 Also addresses salaries as a subject that cannot be dealt in terms of charter amendments by the petition process. Mr. Spitzer asked, "Could you in one act propose a charter amendment that struck salaries of county officers, and at the same time reduced salaries of county commissioners. Mr. Watts responded that that act would be a violation of the single subject rule.

Section 8.4 Relating to the Charter Review Commission, the last line of the page refers to the Charter Review Commission and not the Charter Commission. Mr. Watts agreed, and advised the correction has already been made.

Section 8.5 Mr. Watts was asked to amplify on the intent of the language in the latter half of the paragraph. Mr. Watts explained that it was his understanding that the Commission wanted to preserve, if constitutionally possible, the provisions with respect to non-partisan elections, and any provisions inserted with respect to recall. I've tried to craft language here that satisfies the question pointed out by the Supreme Court in the Eight is Enough case. That is, that Pinellas County could have done this had they proposed to create their offices under the charter, rather than leave them under the Constitution. So, what I've said in this language is the offices are created by the people under the charter, but they are identical to the constitutional office. They have the same name, power, duties and in all respects are considered constitutional officers, except that for purposes of the constitutional prerogative the people have in a charter county to choose county officers in another manner, or to abolish the offices. Then these offices are deemed created by the people of Columbia County, rather than sent here by the State."

Commissioner Turberville asked for clarification. "Are you telling me that we are agreeing that for the purposes of this charter, that we have made our constitutional officers charter officers, and returned constitutional powers to them with the exception of recall and non-partisan election?" Mr. Watts responded, "If, and only if, it is necessary for a court to read the charter that way, in order to sustain the will of the people. But, it is only to that extent. In all other respects, these officers are deemed constitutional officers."

Commissioner Turberville asked, "So if no one challenges this charter to the court, then this is really a moot point?" The response by Mr. Watts was yes.

Commissioner Walker expressed that he thought the issue had already been decided, and that the constitutional officers would not be involved, and that the charter would remain silent regarding the positions. Chairman Null responded, "No, the vote was that the positions would become non-partisan." They agreed that the decision was that they would be non-partisan, but not charter offices.

Commissioner Turberville said, "They just said that they are created as charter officers and their powers are returned to them. But we voted that they would not be charter offices." Mr. Watts responded, "What I'm saying is that we want the message to any reviewing court to be clear that the people, if they approve the charter, claim this right to have their officers chosen in this way. And, they want the charter read in a way that gives primacy to their will. But they don't otherwise intend to change their constitutional officers.

Chairman Null stated, "Another perspective as he understood it was that the officers would remain constitutional officers. But with respect to only the issue of non-partisan and recall, they are considered charter officers." Mr. Watts agreed. Chairman Null clarified, "If one asks the legal question, 'Are they charter or constitutional officers, the answer is that they are constitutional officers.'" Mr. Watts responded, "In all respects other than non-partisan and recall, they are legally, they walk, talk and do everything as a constitutional officer."

Commissioner Turberville ask if the charter passes, and six month later a citizen wants to make a change with the Tax Collector, how they would go about it. Mr. Watts responded that it would be done by charter amendment.

Chairman Null advised that he spoke with the Supervisor of Elections office regarding a non-partisan issue in Article V. Specifically, those candidates would have to disclose party affiliation on the ballots. The Supervisor of Elections office checked with the State Election's office regarding the matter and rendered direction. The Chair asked Mr. Watts to elaborate.

Mr. Watts stated, that by general law, the legislature has put in the election code, a section for non-partisan election of judges and school board members. That law says that the ballot cannot disclose the party of the candidate. The proposed Columbia County Charter, Section 5.2.1 that says the party affiliation, if any of a candidate shall be disclosed on the ballot. Mr. Watts said although there is a question as to whether this conflicts with the statutes, he does not believe it does, because the statutes relates to school board members and judges. He concluded that because the Supervisor of Elections has a problem with the way it is currently written, he doesn't think it would be worth challenging. He suggested striking the last sentence of 5.2.1.

Motion by Commissioner Rountree to strike the last sentence regarding disclosure of party affiliation on the ballot. Second by Commissioner Walker. The motion carried. Commissioner Parker opposed the motion.

Section 5.2.4 regarding non-partisan judicial elections. Chairman Null asked Mr. Watts to address the judicial elections having a different qualifying period than constitutional officers. Mr. Watts told the Commission that the election statutes have been changed to put judges on a different cycle than county officers for the purpose of qualifying. Mr. Watts recommended that everyone be kept on the same cycle for county

offices, and that the words "judicial elections" be stricken, and the word school board elections be substituted.

Motion by Commissioner Poole to accept Mr. Watts' recommendation. Second by Commissioner Bailey. The motion carried. Commissioner Parker opposed the motion.

Section 1.8 County Ordinances. Mr. Watts recommended the section having the following wording added (underlined):

Notwithstanding any other provisions of this charter, any county ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict, regardless of whether such municipal ordinance was adopted or enacted before or after the county ordinance. Provided however, that the county may by ordinance adopt uniform minimum countywide standards for regulating adult entertainment, protecting the environment by regulating air or water pollution, outdoor burning, hours of sale of alcoholic beverages, animal control, firearms and weapons and protection of level of service standards for county maintained roads. Which shall prevail over any less stringent municipal regulation of the same subject. A municipality may adopt regulations which exceed the strictness of the minimum county regulations, and the stricter regulations shall prevail within the city boundaries.

Motion by Commissioner Turberville to accept the proposed wording. Second by Commissioner Poole. The motion carried. Commission Parker opposed the motion.

The Chair allowed a break in the meeting at 8:00 P.M. The meeting reconvened at 8:05 P.M.

Motion by Commissioner Turberville to accept the proposed charter as amended tonight. Second by Commissioner Weizenecker.

There being a number of changes and modifications to the proposed charter, Mr. Watts was hopeful that the new draft of proposed charter would be ready to mail out by Wednesday of next week. The Chair advised that if the Commission decides another regular meeting on the 24<sup>th</sup> is not needed, that there would be time in the public hearing to discuss matters.

Commissioner Terrell asked Mr. Watts if he could explain anything put in the charter that would encourage the public to vote for the charter. He said, "I just don't see a whole lot myself." Mr. Watts responded that the question was political, and would be out of line for him to answer. He offered that he should only answer legal questions.

There was a call for the vote. Six members voted in favor of the motion. Five opposed to the motion. The motion failed per the bylaws.

There was discussion as to whether the charter should be reviewed again, article by article.

Motion by Commission Rountree to utilize next Monday exclusively to review the re-written draft of the proposed charter. Second by Commissioner Johnson and Terrell.

Commissioner Walker offered that there are three public hearings scheduled to address the charter in its entirety, and that another meeting is not needed. Commissioner Terrell responded it will be almost impossible to get through the entire charter before the end of the meeting.

There was a call for the vote. There were five votes in favor of the motion. There were six (Bailey, Walker, Turberville, Weizenecker, Poole and Null) opposed the motion.

Motion by Commissioner Turberville to approve Article I of the draft charter with corrections made tonight. Second by Commissioner Poole. The motion carried. Commissioner Parker opposed the motion.

Motion by Commissioner Turberville to approve Article II of the draft charter with all corrections and or amendments made tonight. Second by Commissioner Weizenecker.

Commissioner Rountree asked if there should be some wording in Section 2.7.2 (Meeting Locations) that would provide for a certain number of meetings in Fort White. Mr. Watts responded that it would be highly unusual to require in the charter that the Board convene at a particular place at a particular time. The language gives the Board of County Commissioners the power to meet anywhere in the county, other than the county seat, provided a one week advertising notice of the date, and agenda is provided.

Commissioner Graham pointed out that the article addresses salaries of the county commissioners. He feels the matter should be looked at more closely. The Chair asked if the Commissioner had specific language to propose, or if he'd like to wait until the public hearings. The Commissioner responded, "I think we voted to remain silent on it, and I guess that's....." Commissioner Terrell asked if the subject could be reopened with a 2/3 votes tonight. The Chair responded "Yes, with a specific motion."

There was a call for the vote. Seven voted in favor of the motion. There were four (Parker, Graham, Terrell and Johnson) votes in opposition to the motion. The motion carried.

Motion by Commissioner Turberville to approve Article III of the draft charter with corrections or amendments made tonight. Second by Commissioner Bailey. The motion carried. Commissioner Parker opposed the motion.

Motion by Commissioner Turberville to approve Article IV of the draft charter with all corrections or amendments made tonight. Second by Commissioner Poole. The motion carried. Commissioner Parker opposed the motion

Motion by Commissioner Turberville to approve Article V of the draft charter with corrections or amendments made tonight. Second by Commissioner Bailey.

Commissioner Rountree asked if there should be clarifying language under the section of Clerk that the budget is not his/her responsibility. Also, he asked what particular section in the proposed charter the Commission Auditor would fall under.

Mr. Watts responded that there is wording that the budget responsibilities that now fall under the jurisdiction of the County Manager are subtracted from the powers of the Clerk, but that the Clerk remains a constitutional officer. Regarding the Commission Auditor, Mr. Watts said, "It would probably have gone under Article IV perhaps, but it wouldn't have gone in Article V. You would have created a separate charter office for the appointed auditor, if that is what you are speaking of. Now, you might have had language in Article V speaking of moving some of those functions from the Clerk, over to the Commission Auditor that would be in Article V."

That being the case, and because the section was not labeled, Commissioner Rountree asked if it would be possible to revisit Article IV for the purpose of discussing the auditors.

Chairman Null responded by saying the issue has been addressed and it would not be appropriate to put Article IV back on the table for discussion. He offered as an alternative that Commissioner Rountree could bring the matter back up by motion at the end of the meeting to see if the Commission is interested in reconsideration of the issue.

The motion carried. Commissioner Parker opposed the motion, and Commissioner Weizenecker had stepped away from the meeting, and did not cast a vote.

Motion by Commissioner Bailey to approve Article VI of the draft charter with all amendments made tonight. Second by Commissioner Walker. The motion carried. Commissioner Parker opposed the motion.

Motion by Commissioner Turberville to approve Article VII of the draft charter. Second by Commissioner Poole. The motion carried. Commissioner Parker opposed the motion.

Motion by Commissioner Turberville to approve Article VIII of the draft charter with amendments. Second by Commissioner Weizenecker.

Mr. Spitzer offered that to be consistent, one would have to delete the last phrase of 8.1, which related to the appointed county attorney.

The motion carried. Commissioner Parker and Terrell opposed the motion.

The Preamble was addressed. Mr. Watts advised that the Preamble reflected on the proposed charter is not legally a part of the charter. Many, if not most charters have a preamble. The Commission will consider and make a decision regarding the Preamble during public hearings.

There being no other issues relating to the draft charter, the Commission considered the tentative meeting scheduled for Monday, June 24, 2002.

Motion by Commissioner Poole to cancel the meeting. Second by Commissioner Turberville. The motion carried. Commissioner Rountree and Parker opposed the motion.

### **Citizen Input**

Mr. Coy Williams suggested that an index be inserted into the charter that would site the sources used for terms such as "state law prevails" and "federal law prevails". He asked if the public hearings are going to be held to allow venting, or the appearance of involvement of the public. He asked what vehicle is established by the Commission to assure the public's concerns to be included in the charter, before the charter goes on the ballot for vote. He agreed the Commission had made a good decision about the County Attorney.

Mr. H.L. Sistrunk asked if Attorney Allen Watts would be present for the Charter Public Hearings, and if the public would be allowed to ask him questions. The Chair responded that the details have not been worked out as to who will be there. Chairman Tom Brown will confer with Mr. Spitzer regarding the arrangements, but the attorney's attendance is optional. Mr. Sistrunk asked Mr. Watts if he believes the proposed charter is written for the majority of the county. Mr. Watts responded it is not for one person to say. It is a product of decisions made by a duly appointed Charter Commission.

There was a final call for public input. There being none, the Commission moved on to unfinished business.

### **Unfinished Business**

Commissioner Parker said that he fully supports a Home Rule Charter form of government in Columbia that would be for the people, and not the politicians. He was of the opinion that the proposed Charter drafted around protecting the politicians.

Commissioner Rountree addressed Article IV again. He felt that to place the budget responsibilities with the County Manager in the charter, without putting a Commission Auditor in place would be leaving a hole in the checks and balances of the financial areas of the county government.

Motion by Commissioner Rountree to adopt the language presented by Mr. Spitzer for a Commission Auditor. Second by Commissioner Parker. The Chair advised

that a 2/3 majority vote would be required to revisit the issue. The motion failed. Commissioners Rountree and Parker were the only commissioners voting in favor of the motion.

As an informational item, Commissioner Turberville distributed a copy of a chart created by him. He stated that the information contained within was obtained through the Supervisor of Elections' Offices. The chart reflected initiatives and amendments of counties over the last five elections. See attached.

The Chair suggested the Charter Commission consider having the Board of County Commissioner's Office prepare the necessary public hearing announcements to be advertised in the newspaper.

Motion by Commissioner Turberville to have the Board of County Commissioner's Office prepare the advertising notice to be placed in the newspaper. Public hearings are currently scheduled at 7:00 P.M. for July 15, and 29, 2002 (Barney McRae Technology Building), and August 12, 2002 (Performing Arts Center). Second by Commissioner Poole. The motion carried unanimously.

Commissioner Terrell asked if the entire Board should be present at the public hearings. Mr. Spitzer advised that at the start of the meeting, the public will be given a brief overview of charter government and how it operates. Following the overview, the proposed Columbia County Charter will be distributed and reviewed with the public. Public Hearings will be used to receive public comment. It is not used for a debate of the proposed charter. Public input will be considered by the Charter Commission. Action, if any will take place at the last public hearing on August 12, 2002. The Commission was asked to be present since they would be conducting the public hearings. The college will be asked to assist with a map and possibly someone to direct the traffic.

Commissioner Rountree asked if the Commissioners would be allowed to introduce topics of discussion for the proposed charter. The Chair advised, that as a citizen of the community, the commissioners would be allowed to give input for the consideration of the Charter Commission.

Commissioner Rountree asked Mr. Watts how the topics of administrative codes, enacting administrative codes, central service issues and security of citizens would interrelate with the charter from a public point of view.

Mr. Watts responded that an administrative code could be added, but that the Board of County Commissioners always has the authority to adopt them. A section could be titled "Rights of Citizens" providing the rights of all citizens. He suggested the charter

not include a section regarding central services since the Board of County Commissioners can address the issue.

There being no further business, Commissioner Terrell made a motion to adjourn at 8:55 P.M. Commissioner Graham seconded the motion. The motion carried unanimously.

ATTEST:

\_\_\_\_\_  
Mike Null, Acting Chairman

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**JUNE 10, 2002**

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- 5:30 P.M.     \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.     \*Mr. Dale Williams, County Coordinator  
                  Mr. Joe Cone, City Manager  
                  (1) County Wide Ordinances
- 6:00 P.M.     \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  (1) Review and Discussion of Draft Charter Policies
- 6:45 P.M.     \*Remarks of Interested Citizens
- 7:00 P.M.     \*Unfinished Business  
                  \*Review and Approval of Charter Consultant Fees  
                  \*Review and Approval of Charter Attorney Fees
- 7:20 P.M.     \*Adjourn

# Columbia County Charter Commission

June 10, 2002  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Ed Parker opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

### Commissioners Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker,  
Jim Poole, Mario Coppock, Ozell Graham, Edsel  
Parker, Tom Brown (Chairman), David Rountree, Delton  
Turberville, Seeber Johnson, Mike Null and Rick Bicknell.

### Commissioners Absent:

Ray Walker.

## **MINUTES**

The Commission considered the adoption of the May 28, 2002 Charter Minutes. A needed change was brought to the attention of the clerk on page five. References made to the "Mayor" should be changed to "Manager". Also on page six the word "include" is misspelled. The Clerk agreed the changes would be in order.

Motion to approve the May 28, 2002 Charter Commission Minutes subject to the mentioned change by Commissioner Poole. Second by Commissioner Terrell.

Commissioner Parker, not having had an opportunity to review the minutes stated he would abstain from voting. The Chair advised that the vote on the motion would be deferred until the end of the meeting.

### **County-Wide Ordinances**

County Coordinator Dale Williams and City Manager Joe Cone came before the Commission and advised that they have not had an opportunity to meet regarding county-wide ordinances and developing agreed upon language. Mr. Williams and Mr. Cone asked that the City and County be given until the next meeting to provide the requested written language.

Motion by Commissioner Terrell to give Mr. Williams and Mr. Cone one week to present the draft language pertaining to county-wide ordinances, and to place the matter on the agenda for next meeting. Second by Commissioner Poole. The motion carried unanimously.

### **Draft Charter Policy - Review and Discussion**

Chairman Brown announced that Attorney Allen Watts would be at upcoming meeting (June 17, 2002). While on the subject of meetings, he reminded the Commission that that a meeting date of the June 24<sup>th</sup> was changed to June 17<sup>th</sup> in order to move things along. The meeting date of the 24<sup>th</sup> is still open for a meeting if the Commission deems a meeting is needed.

The Commission proceeded with a preliminary review of the proposed charter, with the understanding that the proposed charter would be fine tuned next week when Mr. Allen Watts is present.

Commission Consultant Kurt Spitzer advised that the draft of the proposed Charter was prepared by Mr. Watts. He explained that the underlined wording in the proposed Charter reflects agreed upon wording previously discussed and decided upon by the Commission. Other language not underlined is standard charter language that may or may not have been discussed directly, but is necessary for the proper operation of the Charter. Until the Commission approves everything contained within the proposed charter, all content remains open for discussion and change, and open to motions prior to the final document.

**A draft of the proposed Charter is attached.**

#### ***Article I - Basic Powers and Creation of the Home Rule Charter Government***

Sections 1.1 Creation and General Powers of Home Rule Government – Standard language is inserted.

Section 1.2 Body Corporate, Names and Boundaries – Standard language is inserted.

Section 1.3 Construction – Standard language is inserted.

Section 1.4 Special Powers and Duties of County – Standard language is included.

Section 1.5 Transfer of Powers - Standard language is included.

Section 1.6 Division of Powers - The Commission's requested wording has been inserted regarding the division of the legislative and administrative functions of the government.

Section 1.7 Relation to State Law – Standard language is included.

Section 1.8 Relation to Municipal Ordinances – This wording is pending as discussed earlier in the meeting by County Coordinator Dale Williams.

### ***Article 2 – Legislative Branch/Board of County Commissioners***

Section 2.1 Composition – The Commission's requested wording has been inserted.

Section 2.2 Redistricting - Mr. Spitzer stated that the wording follows state law and practice. The Florida Constitution requires County Commissions to redistrict themselves at least every ten (10) years after the census data is made available. They may redistrict themselves more often, but must do so on odd number years. Other criteria may be inserted if the Commission is so inclined that will guide the County Commission in the process. Mr. Spitzer stated it is a common practice in the redistricting process to not split city boundaries. Related wording has been inserted.

Section 2.3 Qualifications and Election - Requested language has been inserted. Mr. Spitzer noted specifically that commissioners shall be elected on a non partisan basis with party affiliation to be reflected on the ballot, and candidates must reside in their respective districts at the time of qualifying to run, or at the time of appointment to any vacancy.

Section 2.4 Terms of Office – Requested language reflecting the term of office is four years has been inserted. Other language included is standard.

Section 2.5 Salary and Other Compensation – Requested language has been inserted stating the salaries shall be the same as those set by general law for the county commissioners of non-charter counties.

Section 2.6 Vacancies and Suspensions – Requested wording has been included to address the method by which county commissioner vacancies shall be filled.

Section 2.7 Meetings – Standard language has been inserted.

Section 2.7.1 Special Meetings – Standard language has been inserted.

Section 2.7.2 Location of Meetings – Standard language has been inserted.

Section 2.8 Powers – Standard language – The sections grant powers as provided by the Constitution and laws of Florida.

Section 2.8 (1)- Wording for additional powers have been inserted per the Charter Commission such as provisions for appointing, reappointing and removal of a County Manager during a contract term by a majority vote of the entire Board of County Commissioner during each of two successive regular meetings.

Section 2.8 (2) – Per the Commission’s direction, standard wording has been inserted regarding the adoption of ordinances and the ability to carry them out. Additional language has been inserted prohibiting the Board of County Commissioners from imposing a utility or public service tax.

Section 2.8 (3) – Standard wording is included regarding the review of the budgetary request for operations and appropriations under county departments. Also, special taxing districts within the confines of general law and the Florida constitution.

Section 2.8 (4) – Provides wording requiring a 2/3 vote of the full Board of County Commissioners such rules of parliamentary procedures as may be necessary for the orderly transaction of the business of the Board of County Commissioners.

Section 2.8 (5) – Gives the authority to address which officers and employees shall be bonded and fix the amount and approve the form of the bond.

Section 2.8 (6) – Give authority to exercise any power of the County not lodged in any other office by this Charter.

Section 2.9 Legislative Procedures – Mr. Spitzer mention specifically that the section provides that the County Commission may take official action only by the adoption of ordinances, resolutions or motions.

Chairman Brown asked, if the wording “a majority vote”, and the wording “an absolute majority” is the same, and if so whether or not the wording throughout should be consistent. Mr. Spitzer suggested the attorney address the question at the next meeting.

Section 2.10 Code of Ordinances – All charters require the Board of County Commissioner to provide a recording and indexing system of their code of ordinances.

### ***Article 3 - Administrative Branch/ County Manager***

Mr. Spitzer informed the Commission that a large amount of the language from the County Administrator Ordinance, the sample language previously review by the Commission is contained in Article 3.

Section 3.1 County Manager Qualification – The County Manager is appointed and serves at the pleasure of the Board of County Commissioners. The section outlines residential requirements, and requirements regarding the Manager engaging in other business/occupation.

Section 3.2 Compensation and Terms of Employment – The Board establishes the salary for the County Manager at a level that is commensurate with the requirements of the position. There is an annual review, and the terms and conditions of compensation of employment are to be identified in a contract between the Manager and the County Commission.

Section 3.3 Powers and Duties – The section reflects the County Manager is the head of the administrative branch of county government. The Manager is responsible to the Board for the administration of all affairs of the county. The Manager will attend all special and regular meetings of the Board of County Commissioners and participate in discussion. The Manager submits the annual operating and capital program budgets to the Board, and executes the budget and capital programs in accordance with appropriations and ordinances enacted by the Board of County Commissioners.

There was a question as to how this section relates to Florida Statues 125.74. Mr. Spitzer responded that it is not controlled by that particular section, but it compares to the County Administrator's section of the statues in that the County Administrator section of the Florida Statute is more detailed and specific in terms of the duties and responsibilities of the County Manager. Mr. Spitzer said it is not necessary, but it would not do any harm to further amplify the duties of the County Manager in the draft charter if the Charter Commission is so inclined. Mr. Spitzer agreed to asked that the second proposed draft have more details. Commissioner Rountree was of the opinion that, for a transition period, and if the charter should be adopted, it would be more advantageous if specific duties are outlined for the County Administrator so he knows from the very beginning what the job responsibilities are.

Commissioner Bicknell advised that a couple of meetings back, that he made a motion to give the County Manger all duties and responsibilities under Florida Statutes 125.74, as granted to the Manager by the Board of County Commissioners. Commissioner Bicknell recalled that the Charter Commission reached a conclusion that it would be beneficial to leave the duties to the discretion of the Board of County Commissioners to impose those duties specified in Florida Statutes 125.74. Chairman Brown responded the discussion is to determine what the best method is going to be for making the decision for responsibilities the most effective. Mr. Spitzer suggested that the

proposed language be left as is, and insert subsections under 3.3 to further amplify the duties of the County Manger.

Section 3.4 Non-interference by Board of Board of County Commissioners – Per Mr. Spitzer, the language is the verbatim wording of that previously reviewed and agreed upon by the Charter Commission. This section prohibits the Board of County Commissioner from giving instructions to any employee that is under the direct or indirect supervision of the County Manager. Commissioner Terrell suggested that an emergency clause may be needed. Mr. Spitzer responded that there is a standard operating procedure and chain of command to handle those types of situations in the County Manager’s absence. Commissioner Terrell offered that he feels it would be better to reference the procedure in the charter, than to leave someone to assume procedure. Mr. Spitzer responded that Section 3.5 may be sufficient to address the concern.

Section 3.5 Temporary absence or incapacity – The section also addresses with the appointment of department heads, and termination of department heads without cause.

#### *Article 4* *Administrative Departments*

Section 4.1 Initial Departments – Requested language has been inserted.

Section 4.2 Department Head – Requested language has been inserted. Commissioner Coppock stated that he would like to see the section changed to reflect that a department head may be terminated with cause. He questioned what benefit there could be to being able to terminate without cause. Mr. Spitzer responded it gives the County Manager the authority to be more particular as to who his/her senior support staff will be, and it give the County Manager the opportunity to work with people he/she is more compatible with. Commissioner Bicknell was of the opinion that without sovereign immunity, if the wording “without cause” is deleted, it would leave the county open to a broader spectrum of lawsuits. Chairman Brown agreed.

Commissioner Rountree asked for clarification, “Did you mention earlier, in relation to this paragraph regarding department heads, that you felt there should be a clause that the County Manager could fire “any” county employee?” The Chair responded, “Yes. Not that he would, but he can. All hiring and firing would have to be approved by the County Manager.” Mr. Rountree asked, “By the department head, or the County Manager?” The chair replied, “By the Manager. Of course, it would be on the recommendation of the department head.”

Section 4.3 County Attorney – The Commission decided in a prior meeting to abolish the special act that created the elected County Attorney after the upcoming term of office has ended. All powers would then be transferred to the Charter County Attorney’s office on January 02, 2007.

Commissioner Turberville asked that this issue be discussed further in the June 17, 2002 meeting.

Commissioner Rountree suggested that the same wording be inserted in this section as reflected in Section 3.2 that indicates the terms and compensation of employment shall be set forth in a contract.

**Article 5**  
**County Officers**

Section 5.1 County Constitutional Officers – The Sheriff, Tax Collector, Property Appraiser, Supervisor of Election and Clerk of Courts remain as elected constitutional officers, and that the powers, duties and responsibilities will not be changed as is provided by general law, except that they are elected on a non-partisan basis. Constitutional Officers are subject to recall per general law.

Section 5.2 Non-Partisan Election of County Officers - Requested language included.

Section 5.2.1 Non-Partisan Election Procedures – Officials shall be elected on a non-partisan basis. Other requested language is also included.

Section 5.2.2 Non-Partisan Election Procedures – Requested language is included.

Section 5.2.3 Qualification by Petition – Requested language is included.

Section 5.2.4 Other Provisions– In all respects not expressly provided in the Charter, non partisan elections shall be governed by the procedures set forth in general law for non-partisan judicial elections.

There was a question, if the Charter Commission has the authority to identify that the officials be non partisan and subject to recall if no changes are made to the constitutional officers' positions. Mr. Spitzer recommended the question be asked of the Commission's attorney, Mr. Allen Watts next week. He offered that the issue could be handled by keeping Section 5.1 as is, and delete reference to non-partisan elections or recall for the constitutional officers. This would ensure they remain as is. Another means to address this issue is to provide that the constitutional statuses of the offices are abolished and that all of their duties, powers and authorities are transferred to offices that are charter. Then, it would be likely that they would become charter officers. The public would still choose the officers directly, but are subject to greater control by the County Commission.

Commissioner Rountree asked if it is possible to bring the constitutional officers under the charter umbrella without using the terminology “abolishing offices”. He felt the verbiage would throw a red flag up for the community and the constitutional officers. Mr. Spitzer asked that the question be directed at Mr. Watts next week.

Commissioner Rountree asked if an opinion has been rendered regarding the Charter remaining quiet on the constitutional officers.

#### Article 6

#### ***Powers Reserved to the People: Initiative and Recall***

Section 6.1 Initiative - This Article primarily deals with ordinances that are proposed citizen initiative process. The Commission’s decision was to authorize ordinances proposed by initiative as long as they aren’t in conflict with the constitution, general law, or the charter.

- 6.1.1 Procedure for Petition - Requested language is inserted. The petition process was explained by Mr. Spitzer. Mr. Dale Williams was of the opinion that to the common layperson may get the impression that they would have to go through a petition process to approach their governing board. He suggested there be clarifying verbiage to reflect that any citizen has the right to simply approach their commissioner regarding suggested/proposed ordinances. Commissioner Terrell suggested that the first word of the section be changed from “The” to “Any.”
- 6.1.2 Consideration by Board of County Commissioners – Requested language is inserted. The timeframes for the Board to act on the petitions submitted was briefly reviewed. Public hearings, proposed ordinances and calls for referendums are also included in this section.
- 6.1.3 Limitations on Ordinances by Initiative - Requested language is included.

Section 6.2 Recall - The County Commissioners are controlled by general law regardless of what the Charter states. Mr. Watts believes the charter can provide for recall for the County Constitutional Officers just as it does for the County Commissioners.

**Article 7**  
***Special Districts and Authorities***

The Board of County Commission may amend or repeal any local or special act of the legislature applicable solely to the unincorporated area a county.

**Article 8**  
***Miscellaneous Provisions***

Section 8.1 Effective Date – The Charter will become law when approved by a majority of those electors voting on the matter in a referendum to be held in the county on November 2002 under the provisions of the Constitution and laws of Florida. The Charter Government shall assume all powers and duties provided in this Charter on the first day of January 2003, the effective date of this Charter; except that Section 4.3 of this Charter providing for the County Attorney shall be effective January 02, 2007 as provided within the Charter.

Section 8.2 Transition – Mr. Spitzer advised that there are a variety of standard transitional clauses. Included in this section:

- 8.2.1 Continuation of laws, ordinances and contracts
- 8.2.2 Initial County Commissioners
- 8.2.3 Initial County Manager and Attorney
- 8.2.4 Employee Continuation
- 8.2.5 Continuation of Agencies and Advisory Bodies
- 8.2.6 Outstanding Bonds

Section 8.3 Charter Amendment

Section 8.3.1 - Amendment by Board of County Commissioners. The Board of County Commissioners, upon the concurrence of not fewer than a majority, plus one of its entire membership, shall have the authority to propose by ordinance, amendments to the Charter. There is no single subject restriction on the content and the subject matter of that ordinance.

Section 8.3.2 - Amendments by Petition. Amendments may be proposed by petition signed by a number of electors at least equal to ten per cent of the number of electors qualified to vote in the last proceeding general election.

Section 8.3.3 - Amendment referendum. The Board of County Commissioners shall cause any Charter amendment proposed under section 8.3.1 or 8.3.2 to be submitted to the electors for their approval. There are certain requirements outlined in the Charter regarding public hearings and placing matters on the ballot.

#### Section 8.4 Charter Review Commission

A Charter Review Board will meet four years after the adoption of the Charter, and every ten years thereafter. The Charter Review Commission shall be appointed in the same manner as a Charter Commission was appointed. The Charter Review Commission is funded by the Board of County Commissioners. The Charter provides that within one year from the date of its first meeting, present to the Board of County Commissioners, it's recommendations for amendment or revision, of the Charter or its recommendation that no amendment or revision is appropriate. If amendment or revision is to be recommended, there shall be three public hearings at intervals of not less than three days conducted. The Board of County Commissioners receives the recommendations only for the purpose of placing the proposed revisions on the ballot. The Board of County Commissioners do not have the power to reject or amend any of the suggested amendments.

Section 8.5 Severability and Validity – This section will be discussed by Mr. Watts next week.

Commissioner Graham said, after reviewing the proposed Charter, "I can't find anything basically, anything major that we have changed in government to this point. We haven't changed anything, and I'm sorry to say, that we cannot sit here and believe that it is such, here in Columbia County that nothing needs to be changed." He went on to express his dissatisfaction that the Board voted to leave the salaries "as is" and that term limits were voted out by the Charter Commission. He concluded by saying, "I got a problem. I really got a problem." He reminded the commission that in the first meeting, everyone agreed that this was a wonderful opportunity for the Commission to do something good for the county's children. Mr. Graham expressed that he was certain that there is common ground to meet upon that changes could be made and agreed upon and still be effective for this county. Parker agreed.

Commissioner Turberville disagreed with Commission Graham's comments. He feels huge steps have been taken toward changing the current form of county government for Columbia County. He pointed out that simply by the inception of the charter, if passed, all possible avenues are given to "the people" to make whatever changes they may desire. Commissioner Turberville pointed out that fifteen commissioners discussed and reviewed the issues of what may need to be changed in the current form of county government. In response to Commissioner Graham's comments, Commissioner Turberville pointed out that everyone has to vote their conviction, and not every commissioner will be happy every time.

The Chair reminded everyone that there would be three public hearings to listen to the voices of the people, and that the Charter Commission is still in the process of taking input.

Commissioner Parker asked for Clarification as to whether the draft document presented is a guide to a charter, or is the actual proposed charter. The Chair responded that the document is a proposed charter, drafted by the attorney, based on the votes taken in the meeting. Commissioner Parker responded, "In my opinion, this garbage will take away from the citizens of this county instead of providing any advantages." Commissioner Parker was of the opinion that once on the ballot, the proposed Charter would never pass because of how it is drafted. He additionally expressed that the citizens are not being given any additional powers or advantages over the current form of government.

Commissioner Coppock felt that one thing on many of the commissioners minds is the constitutional officers. He was of the opinion that the Commission should consider doing something a little different with the constitutional officers. He believes that some of the autonomy the constitutional officers have should be taken away since terminated employees have no appeal process. He feels that all employees should have a right to appeal.

Commissioner Johnson expressed that it is probably highly unlikely that every commissioner will get exactly what they want in the charter. He pointed out that the charter gives the power to the people to make future changes. He said, "They can get out and get their signatures to get things changed, or the Charter Review Commission will have the opportunity to make the changes." He expressed that the first step is to make Columbia County a charter form of government.

Commissioner Bicknell believes that when the Charter Commission was formed, that Columbia County had two groups of citizens. They were the ones that wanted no change, and the group that wanted to totally dominate and have control over the county commissioners and the elected officials. "I feel most of us fall somewhere in the middle. I don't think that I'm extreme to the right nor the left. My primary objective was to put something in place that would allow our children and grandchildren the ability to progress as Mr. Johnson said." He explained that citizen initiative gives every opportunity for the citizens to have control over their government. He said regarding citizen initiative, "They can recall their constitutional officers and they can recall their county commissioners." He went on to express that all power is in the hands of the people if the charter passes. Salaries can still be cut, and term limits can be set in the future simply by following the protocol of getting required signatures, and having the issue placed on the referendum.

Commissioner Null offered that during the process of drafting a proposed charter, the Commission had to become informed of current practices and see what changes "needed" to take place. He explained that the Charter Commission's charge was to do a study to determine what, if any changes could be made to the current form of government that would make it a better government. He said, "I don't believe that meant making changes for the sake of change." He agreed with Commissioner Bicknell and Johnson that once the public approves a charter, a tool would then be in place to build upon and make changes with.

Commissioner Parker said he couldn't see any major changes that would be beneficial to Columbia County's citizens in any way whatsoever. He was of the opinion time and money has been wasted in generating the proposed draft charter. He also felt that the charter would not even be considered because of the way it is written.

The Chair expressed his personal feeling has a tendency to lean toward the same feelings as Commissioner Parker and Graham. He expressed his desire to get a charter passed that could at least be built upon.

### **Citizen Input**

Mr. David Willis agreed with Commissioners Graham's comment that there have been no significant changes. He felt salaries of the commissioners should be based on their years of experience, and that incentives should be offered. He agreed with the Charter Commission's vote that there should be no term limits, but felt it should be discussed further. He offered that single-issue tax considerations should be placed on referendum and should be in the Charter. He closed by saying he would not vote for the proposed charter because of the way it is written.

Mr. H.L. Sistrunk expressed:

- It is not fair that James Montgomery and Ron Williams was elected in year 2000 with less than 1,300 votes, when there are 32,000 registered voters in the county.
- He felt the public had been misled on the Courthouse Renovation Project. He said, "When we started out, they were trying to sell it to the public that the cost was seven to eight million dollar. You have probably over twenty million in it now. They came in, and they just keep on and on and on."
- He criticized the county that the 911 Project is not yet complete.
- He criticized the county for extending the gas tax for another twelve years, and for never letting the tax end when the project is complete.

Mr. Coy Williams reminded the Charter Commission that he told them in the beginning that he didn't want to see a charter drafted that the Commission knew the public would reject, and a charter they knew would be ineffective. He said of the proposed charter, "It's a smooth document that is designed to appear that a lot has been done, but at the same time, shackles have been placed on the public." He feels the Charter Review Commission should meet more often than the proposed Charter sets out. He supports term limits. He said many excellent people will be lost with term limits, but feels term limits is certain to get rid of the wrong type of people now in office. He expressed that an independent audit from an outsider needs to be done of the county. He feels "Conflict of Interest" should be defined in the charter as the State's Ethics Office defines it.

At the request of a private citizen, Mr. Dale Williams asked when it would be appropriate for the general public to propose/discuss item not listed in the Discussion Agenda. Mr. Williams advised that a person contacted him and would like to discuss a non-traditional charter issue (an elected comptroller) with the Charter Commission. The citizen would propose that consideration should be given to having an elected comptroller that would primarily be responsible for handling the finances of the county commissioners and all elected officials. The Chair responded that items can be added to the Discussion Agenda by majority vote, but wanted to make sure enough subsidy and content is presented on the issue for the Commission to consider. The Chair directed Mr. Williams to have the citizen contact Mr. Spitzer.

Motion by Commissioner Rountree to consider an independent comptroller in the proposed charter. There were several seconds. The motion carried unanimously.

### **Unfinished Business**

*Regarding the minutes.* The Chair called for the vote. He invited Mr. Parker to bring up changes, if any, at the next meeting. The motion carried with Mr. Parker abstaining.

An invoice for *Charter Consulting Fees* was presented to the Commission for consideration.

Motion by Commissioner Turberville to pay. Second by Commissioner Rountree. The motion carried unanimously.

An invoice for *Charter Attorney Fees* was presented to the Commission for consideration.

Motion by Commissioner Turberville to pay. Second by Commissioner Rountree. The motion carried unanimously.

### **Other Business**

As an informational item, Commissioner Turberville distributed a document to the Charter Commission for their review. He explained the document is **study results** of an on-going study being conducted by the State of Florida, which **compares charter counties, non-charter counties and other forms of government.**

Chairman Brown informed the Commission that is will not be present forthe **next meeting**, and that the **Vice Chairman Null will preside.**

A copy of a **Petition of Request of Charter Commission** was provided. On the list of matters to consider were: No new taxes or tax increases or special assessments except by referendum, salary review, return to countywide vote on all county commission

rates, term limits for all elected officials (two terms), salary review, employment of the County's Engineer, the pooling of all road funds to be used by priority as determined by the County Engineer, an independent auditor audit the county books (auditor to be chosen by the Clerk of Court), the abolishment of officers, irrevocable resolutions regarding private meter water wells, visit the 911 addressing system, and finally, making three percent of the active voters required for recall in the Charter.

The Chair responded to the foregoing requests for consideration. Countywide voting on commissioners was removed from discussion due to recent court decision the county is under. The statutes require referendum on certain taxes. Term limits cannot be established at this time due to a recent Supreme Court ruling. Regarding ordinance initiatives and limitations on amendments to the charter, the Chair would like the attorney to report at the next meeting as to whether or not you can amend the charter to delete one of the limitation. The County Engineer would fall under the County Manager if the charter passed. Regarding roads being repaired and paid for by priority, the Chair expressed that hopefully with a county planner, and looking at the county as a whole will address this. The County has no authority in the area of private water wells. It was voted that constitutional officers should remain as they are. Auditing will be discussed at the next meeting. The 911 addressing system is not a charter matter, but rather a Board of County Commissioner matter. He would like for the attorney to address what affect the charter may have on the existing policy, whereby each county commissioner is afforded the right to hire his or her own engineer.

There being no further business, the meeting adjourned at 7:20 P.M.

ATTEST:

\_\_\_\_\_  
Tom Brown, Chairman

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Courts

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056  
COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 2  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**MAY 28, 2002**

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- 5:30 P.M.     \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.     \*Election of Chairman
- 5:45 P.M.     \*Lowell Garrett, Senior Planner  
                  North Central Florida Regional Planning Council  
                  (1) Planning Presentation
- 6:15 P.M.     \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  Topic-City-County Relations (continuation from 5/13/02):  
                  (1) Discussion of Environmental Protection  
                  (2) Discussion of Planning Responsibilities
- 6:40 P.M.     Topic-Miscellaneous (continuation from 5/13/02):  
                  (1) Discussion of Citizen Initiative  
                  (2) Discussion of Charter Amendments  
                  (3) Discussion of Utility Tax
- 7:00 P.M.     \*Remarks of Interested Citizens
- 7:10 P.M.     \*Unfinished Business  
                  \*Review and Discussion of Time Line
- 7:25 P.M.     \*Adjourn

# Columbia County Charter Commission

May 28, 2002  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

Vice Chairperson Thomas Brown called the meeting to order. Commissioner Poole opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

### Commissioners Present:

Wilton Terrell, Richard Weizenecker,  
Ray Walker, Thomas Brown,  
James Poole, Richard Bicknell, Edsel Parker,  
David Rountree, Mike Null, Emory Bailey, and  
Delton Turberville (Late).

### Commissioners Absent:

Seeber Johnson, Mario Coppock, Ozell Graham

## **Leandra Johnson / Vacant Position**

Commissioner Brown gave a brief health update on former Chairperson Leandra Johnson. It is his understanding that her surgery was successful, and she is recovering well. No word as to whether the doctors will order follow-up treatments.

He reported her tendered resignation has been accepted, and County Commissioner Ronald Williams is in the process of selecting a person to fill the Charter Commission vacancy.

## **Minutes**

The minutes of May 13, 2002 were presented for approval.

Motion to approve by Commissioner Rountree. Second by Commissioner Poole. The motion carried unanimously.

## **Election of Chairperson**

The Vice Chairperson called for nominations for a Chairperson.

Commissioner Walker nominated Commissioner Brown.

There was a call for additional nominations. There being none, the nominations ceased.

Motion by Commissioner Walker to have Commissioner Brown serve as the Chairperson. Second by Commissioner Poole. The motion carried unanimously.

## **Election of Vice Chairperson**

The newly elected Chairperson called for nominations to fill the vacancy of Vice Chairperson.

Commissioner Rountree nominated Commissioner Null to fill the position.

There was a call for additional nominations. There being none, the nominations ceased.

Motion by Commissioner Rountree to elect Commissioner Null as the Vice Chairperson. Second by Commissioner Poole. The motion carried unanimously.

## **North Central Florida Regional Planning Council**

Lowell Garrett, Staff member of the North Central Florida Regional Planning Council ("NCFRPC") gave a presentation to the Commission.

He defined "Consistency" per Florida Statutes Chapter 163.3231 as it relates to the Comprehensive Plan and Land Development Regulations. A development agreement and authorized development shall be consistent with the comprehensive plan and land development regulations of local governments.

Consistency has generally been defined for the purpose of determining whether local Comprehensive Plans are consistent with the state's Comprehensive Plan, and the appropriate Regional Policy Plan. A Local Plan shall be consistent with such plans if the Local Plan is "compatible with" and "furthers" such plans.

The term "compatible with" means that the Local Plan is not in conflict with the State Comprehensive Plan or appropriate Regional Policy Plan. The term "furthers" means to take action in the direction of realizing goals or policies of the State or Regional Plan. For the purposes of determining consistency of the Local Plan with the State Comprehensive Plan or the appropriate Regional Policy Plan, the State or Regional Plan shall be construed as a whole, and no specific goal and policy shall be construed, or applied in isolation from the other goals and policies in the plans.

There is also a requirement for internal consistency within the Local Government Comprehensive Plan, and between the Comprehensive Plan and The Land Development regulations, which state the following:

“Required elements and any optional elements shall be consistent with each other. All elements of a particular Comprehensive Plan shall follow the same general format where data is relevant to several elements. The same data shall be used including population estimates and projections. Each map depicting future conditions must reflect goals, objectives, and policies within all elements, and each such map must be contained within the Comprehensive Plan.

The Local Planning Agency is the body responsible for determining what is consistent at the local level. It is the Local Planning Agency (the Planning and Zoning Board in Lake City, Columbia County and the Town Council in Fort White) that makes recommendations to the local governing body regarding plan amendments, land development regulations which implement the adopted comprehensive plan, and the LDR amendments, for consistency with the adopted plan. The Local Planning Agency will report to the governing body regarding its findings.

When there is a disagreement between local governments or agencies concerning consistency issues within a local plan, there are policies in place that read:

**Columbia County Policy VII.1.2** The County shall use the Regional Planning Council's informal mediation process to resolve conflicts with other units of government.

**City of Lake City Policy VII.1.4** The City shall use the Regional Planning Council's informal mediation process to resolve annexation issues when it deems the issues, by resolution of the City Council, to be appropriate for such mediation and not inconsistent with the provisions of Chapter 171, Florida Statutes.

**Town of Fort White Policy VII.1.2** The Town shall use the Regional Planning Council's informal mediation process to resolve conflicts with other units of government.

The definition of the word “Compliance” was discussed briefly. “In compliance” means consistent with the requirements of ss. 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, with the State Comprehensive Plan, with the appropriate strategic regional policy plan, and with Chapter 9J-5, Florida Administrative Code, where such rule is not inconsistent

with this part, and with the principles for guiding development in designated areas of critical state concern. A plan must conform to all comprehensive plans that have been found to be in compliance.

Commissioner Null recognized that the NCFRPC was directly involved in the initial writings of the Comprehensive Plan for all three local governments. He asked if the NCFRPC had also been involved in writing the amendments since then. Mr. Garrett responded, "Yes." He also advised that even though the State watches for compliance, the NCFRPC also takes an additional look at the amendments to ensure there are no conflicts between the three local governments located in this county, and that new writings are as compatible as possible. He advised that the NCFRPC is made up of elected officials from each of the eleven counties and gubernatorial appointees, and they make the decisions. Past that point, if there is a problem with the decision, it would have to go through an administrative hearing process. Commissioner Null asked if there have been any type of mediations needed (as it relates to conflict) between the three local governments. Mr. Garrett's response was, "Fortunately, we have not had that anywhere in the region."

Commissioner Rountree asked where the elected officials are from that serve on the Regional Planning Council. Mr. Garrett responded that each County Commission establishes one member. Cities are not required to be members, but many are. The council for this area has approximately 25-27 members.

Commissioner Rountree asked if throughout the State, for the various planning councils, if the transformation to charter county forms of government has had any impact on the council, or impact on the Comprehensive Plan or the land development regulations. Mr. Garrett responded, "No, because the functions of the Planning Council are at a regional scale, and deal with regional issues, not local issues.

The Commission's consultant, Mr. Kurt Spitzer offered that as far as the Regional Planning Council is concerned, that is true. In terms of determining consistency at the local level, the answer would probably be that it depends on what the charter says. There are charters that provide for a local land use planning commission or a growth management commission.

Commissioner Turberville asked, "Is the true question we are asking here, is whether the County should prevail in these matters, or continue as we are?" Chairman Brown responded, we're just obtaining information to determine whether an element is needed in the charter that would provide for a resolution process in the event of a conflict between the municipalities in their respected planning issues.

Motion by Commissioner Turberville, "I move we remain with the same plan we have now." Second by Commissioner Null.

Commissioner Terrell asked if the matter was actually on the agenda to be considered. Commissioner Null responded that the matter was tabled from the last meeting. This was an issue under the topic of "City/County Relations". It was decided by motion that the matter would be tabled until further information could be gathered.

Commissioner Bicknell stated, "I'm not sure, in trying to evaluate this, how you would account for undue annexation by the City. If I have property close to the City, and the City decides to annex that, all of a sudden, I am subject from one set of rules to another set of rules."

Mr. Garrett responded a mediator would be used between the parties. Currently, the City is operating under Chapter 177, which basically provides two methods of annexation. One is voluntary annexation and the other is by referendum of the people being annexed, and the City. Mr. Spitzer explained that this is a dual vote, and both parties have to vote affirmatively. It would require the City voting the area in, and the people of the proposed area voting to be annexed.

The motion carried.

### **County Coordinator Dale Williams**

Mr. Dale Williams spoke briefly and asked the members of the Charter Commission to consider the presentation just given by Mr. Lowell Garrett, and expand it into the "big" picture.

He offered his personal reasons/opinions. "I believe that in many cases, the weight of a county ordinance should be superior to that of a municipal ordinance. He said, "Cases in point. We are in a drought. We decide it's necessary to have a burn ban. Currently the Board of County Commissioners must pass an ordinance, institute the ban, prohibit the sale of fireworks and prohibit other activities. It is a coordination effort with the City to do the same, because you want it to be a uniform ordinance. Recently, a request was received from a local trade organization expressing concern over an apparent lack of control on peddlers. Likewise, the County must coordinate with the City to establish a uniform set of rules and regulations.

In the City Manager's presentation weeks ago, he expressed concern about any charter giving greater weight to a county ordinance over a municipal ordinance. Mr. Williams acknowledged that there may very well be a few areas where that would be ill advised. However, he was of the opinion that it should be incumbent upon the City to identify what those areas are.

Mr. Williams advised that he met with Joe Cone, and he is aware that Mr. Williams was making the foregoing presentation. Mr. Williams also advised the Board that he and the City Manager have plans to meet for the purpose of identifying the areas where a county ordinance having a greater weight would be a detriment to the City. Mr. Williams asked that they be allowed to present their findings prior any final decisions being made. He asked that the Charter Commission keep in mind that there are some bona fide situations where the County ordinance should have greater weight over the municipal ordinance. He stated that most of the charters he is familiar with, at least to some extent do give county ordinances greater weight.

He offered implied reasons – One of the reasons charter government was formed was because in areas where there were a large number of municipalities, a charter was a way of

equalizing the playing field. Also, the City is a subset of the County. City residents vote for county commissioners as well as city council. If the County Commission's power is limited in total, then you would have to ask if the citizens are getting the full benefit of that election.

The Chair asked, and Mr. Williams agreed to meet with Mr. Spitzer prior to the next meeting to provide information on the issue of countywide ordinances and subject areas. It was agreed that the information would be compiled in one report and presented by Mr. Spitzer.

Motion by Commissioner Turberville to table the issue until the June 10<sup>th</sup> meeting. Second by Commissioner Bicknell. The motion carried unanimously.

### **Citizens' Initiative**

A memo was provided to the commissioners earlier in the week to provide background materials to the Charter Commission on the following issues: Citizen initiative and related processes; Charter Review Commissions; and the municipal utility tax.

*Ordinances by Petition* – Many times Florida charters contain provisions whereby the citizens have limited powers to initiate ordinances by petition. For those that have policies allowing ordinances to be adopted by initiative, a two-step process is required.

1. A petition is circulated proposing to enact a new ordinance or amend an existing ordinance. The ordinance's text and ballot summary may be required to be submitted to the Supervisor of Elections prior to being circulated for signatures. A limitation or restriction on the amount of time allowed to acquire the requisite number of signatures may be imposed. A minimal number of signatures are required (e.g. five, seven or 10 %). There may also be requirements imposed concerning the distribution of the required signatures (e.g. 5% countywide total, plus 5% in each of three out of five commission districts).
2. Upon receipt and verification of the required number of signatures, the County Commission is required to hold hearings on the proposed ordinance. If the Commission fails to enact the ordinance, it must call for a referendum on the measure.

Charters typically contain provisions that limit the subject matter that such ordinances may address. Policy areas that are commonly excluded included matters relating to the county budget, debt, tax rates, Capital Improvements Plan, salaries, and land use or zoning matters. The requirements that ordinances proposed and adopted via petition are not inconsistent with the Constitution, general law or special law adopted by vote of the electorate also applies. Ordinances so adopted typically may be revised/repealed by the Board of County Commissioners after a certain amount of time has passed or by an extraordinary vote thereof.

*Charter Amendments by Petition* - All charters contain provisions whereby the electorate may amend the document by petition. The number of signatures that are required to place a charter amendment on the ballot is typically higher than that for ordinances, reflecting the fact that such measures are of a higher order than ordinances initiated by petition. There typically are specific subject matter that amendments proposed by petition may not concern, and a "single subject" rule usually applies.

Motion by Commissioner Turberville to not include Citizen Initiative in the Charter. The motion failed for a lack of a second.

Motion by Commissioner Terrell to include Citizen Initiative in the proposed Charter. Second by Commissioner Null for discussion. Discussion ensued. (\*Clerk's Note: The motion was voted on toward the bottom of page 8)

Commissioner Walker agreed in principle, but expressed concern that special interest groups may try to override many of the decisions made by the Board of County Commissioners. He pointed out that the citizens of the county elect the commission, and that once the Board of County Commissioners have acted on thoroughly thought out decision, we should not have a couple of people go out to the flea market on a Saturday and attempt to obtain signatures to override the commission. He stated he had no problem with "new" ideas being presented by petition, but is opposed to obtaining signatures to override decisions already made.

Mr. Spitzer explained that if the subject is not otherwise preempted by general law or by charter policy, it is possible that a petition route could "undo" what the commissioners have already done.

Mr. Spitzer advised that the Commission would need to address items such as the percentage of signatures required for proposed ordinances to be placed on the ballot, the distribution of that requirement, whether or not the questions should be more difficult for charter amendments, single subject requirements, and how long signatures on ballots should remain valid.

Commissioner Rountree responded, "I don't believe the premise or the intention of the ordinances by citizen initiative is to undermine what the County Commission has done. I believe this is a mechanism for citizens to present to the County Commission, a petition asking for an ordinance to be enacted." He expressed that he is in favor of the process with certain restrictions.

Commissioner Bicknell offered that it his belief that state law is not written retroactive. Therefore, if Citizen's Initiative is placed in the proposed charter, and the charter is adopted, current policy and decisions could not be repealed. Mr. Spitzer responded that is probably something to ask Attorney Allen Watts, but Mr. Spitzer stated he believes the charter would probably supercede, and the mechanism would then be available to reconsider existing ordinances.

The motion carried unanimously.

The following questions were asked:

1. What percentage of signatures should be required for proposed ordinances or charter amendments to be placed on the ballot?

Motion by Commissioner Turberville to have 7% of the qualified electorate qualified in the last general election (across the board), and at least 7% be approved in three out of five districts." Second by Commissioner Bicknell.

Mr. Parker expressed that 5% would probably be more suitable. He added that the petitions submitted in the past, to the commissioners have been totally ignored no matter the number of names on a petition.

The motion carried 10-1.

2. Should signatures obtained for such petitions remain valid for only a specific amount of time? If so, how long?

Mr. Spitzer offered that the normal would be six months to one year. Polk County's is one year. The Chair pointed out that Polk County has approximate 450,000 citizens, compared to Columbia County approximate 50,000.

Motion by Commissioner Turberville that Citizen's Initiative be given six months to generate the necessary number of names, and that it be limited to a single subject. Second by Commissioner Bailey. The motion carried 10-1.

Motion by Commissioner Turberville, I move that we adopt as exclusion, administrative/judicial functions; budget, debt, Capital Improvement Projects, salaries of officers and employees, levy/collection of taxes. Second by Commissioner Bicknell. The motion carried 9-2.

Commissioner Terrell amended his motion to include the items just discussed as being part of the motion. Second by Commissioner Null. The motion carried 10-1.

#### Charter Amendments by Petition

Motion by Commissioner Turberville that the amendments to the proposed charter read the same as the Ordinance by Petition for Citizen's Initiative, with the exception of the 7% being changed to 10%. Second by Commissioner Bicknell.

All charters contain provisions whereby the electorate may amend the document by petition. The number of signatures that are required to place a charter amendment on the ballot is typically higher than that for ordinances, reflecting the fact that such measures are of a higher

order than ordinances initiated by petition. There typically are specific subject matters that amendments proposed by petition may not concern and a "single subject" rule usually applies.

The Chair clarified that once the required signatures are obtained, the matter shall go on the ballot to be voted on. Mr. Spitzer added that if the voters adopt the matter, the matter cannot be changed by the commissioners.

As a point of clarification to the discussions, Commissioner Rountree offered that with the motion on the floor, he asked if there was a reason to have exclusions in "this" motion. Mr. Spitzer said he understood the motion to be that the same exclusions would apply.

The Chair attempted to clarify the motion. By citizen initiative, the amendments to the charter would be limited in the same way as the initiative by ordinance. And, that it would be 10% instead of 7%, including the same six-month duration.

The motion carried 8-3.

Motion by Commissioner Turberville that amendments to the charter be presented by supermajority plus one of the Board of County Commissioners. Second by Commissioner Poole. The motion carried 9-2.

Mr. Spitzer asked regarding the County Commission, "Would the actions of the Board be limited to a single subject rule or not?"

Commissioner Turberville stated that it was his intent that it not be single subject.

### Charter Review

Many charters provide for the establishment of an independent body to review the operation of the county and its charter on a regular basis. Such Charter Review Commissions operate in a similar fashion as a Charter Commission. There are several policy questions to consider and address concerning membership, independence, meeting frequency, etc.

Mr. Spitzer advised that it is most common for a Charter Review Commission to meet every six to eight years, but sometimes a commission will meet as early as four years. Mr. Spitzer stated that in his observations, he personally believes that meeting every four years is too often, and that ten years would be too long.

The appointments to the Charter Review Commission would need to be discussed. He stated that the charter may provide that they be appointed by the Board of County Commissioners or a combination of the Board of County Commissioners and a couple of appointees made by the constitutional officers on a collective basis.

“Exclusions” will also need to be discussed. He asked, “Will elected officials and their staff be excluded from serving as members of the Charter Review Commission?” He pointed out that most charters do have some exclusions in them.

Motion by Commissioner Rountree that Charter Review Commissions be appointed by the Board of County Commissioners in a similar manner as the Columbia County Charter Commission was appointed. Also, that the Review Commission be made up of eleven to fifteen members and that the first meeting be convened in four years, followed by six year intervals. Finally, that no elected officials or their staff members be included in the Review Commission makeup, and that the Review Commission have complete autonomy from the elected officials and their staff representatives. Second by Commissioner Bicknell.

Commissioner Walker did not feel elected official should be excluded from serving since they are also an interested citizen. He pointed out that in years to come, there will be excellent people serving in elected positions and precluding them from serving would be a loss to the Review Commission. Commissioners Terrell and Null agreed.

The motion failed 4-7.

Motion by Commissioner Null to have Review Commission appointed by the Board of County Commission and in the same manner as the original Charter Commission was appointed. Also, having the Charter Review Commission meet initially in four years, and every ten years thereafter. That there be no exclusion as to who may serve on the Review Commission, and that the Review Committee be independent. Second by Commissioner Walker. The motion carried 8-3.

#### Utility Tax

Motion by Commissioner Turberville that the Utility Tax be made available to the County Commission subject to referendum vote. The motion failed for a lack of a second.

Motion by Commissioner Turberville that the Utility Tax be null and void in this charter. Second by for discussion by Commissioner Null.

The municipal utility tax has been available to county governments for approximately thirty years. Because it is available by case law, not general law, the Charter may prohibit the County Commission from levying this utility tax. Should the Charter elect to do so, general law will allow a levy up to ten percent on gas, electric and water in the unincorporated area. Should the charter be silent on the utility tax, the Board of County Commissioners have the authority to impose the tax.

Commissioner Bicknell asked if a meter could be put on his well and tax him for the water used. Mr. Spitzer responded, “I don’t think it would be on private wells. It would be on water that is supplied by a private water provider/company.

The motion carried unanimously.

### **Citizen Input**

Mr. David Willis stated that overall, he was pleased by the operations that had taken place at this meeting. He expressed that he didn't appreciate a remark made by Commissioner Walker. He said, "I've seen the citizens of this county kind of compared to flea market residents. There are more people in the county than flea market residents that may sign a petition." Nonetheless, if the signatures on a petition overturn the actions of the Board, it is up to "the people". He concluded by saying that there seems to be people in attendance that do not understand the term "conflict of interest". For that reason he felt elected officials should not serve on the Commission.

Mr. H.L. Sistrunk informed the Board that when the original five cents gas tax was enacted, it was for the bypass that didn't bypass anything. He said it was his understanding that the bypass was originally going to cost Columbia County in excess of three million dollars after the state's paid portion. He complained that then the project was changed to connector roads. The connector roads will now cost taxpayers in excess of eight million dollars over a five-year period. He advised that the Board of County Commissioners have borrowed six million dollars and secured it with the five cent gas tax. He referenced the renovation of the courthouse by saying it was originally going to be a seven to eight million dollar project, but it has now costed over twenty million dollars. He concluded "These County Commissioners are just not making rational decisions." He felt that the commissioners are out of control, and that someone needed to take control by recall or whatever means necessary.

There was a final call for citizen input without a response. The meeting proceeded to the unfinished business of the Charter Commission.

### **Unfinished Business**

As an informational item, the Charter Commission was provided with a copy of a recent Supreme Court case. The Chair noted that the Florida Supreme Court, in a 4-3 decision, over the last week, ruled on the constitutionality of term limits involving the Duval County Clerk of Courts. He went on to say that while the Columbia County Charter Commission has not enacted term limits, the language in that particular opinion may be interpreted to involve some of the positions that the Charter Commission has already elected to take. He used as an example the non-partisan elections.

The Chair pointed out that originally, the Commission decided that Consultant Kurt Spitzer would draft the proposed charter. However, since the charter has now taken on a staff attorney, Mr. Spitzer suggested instead of paying him to draft and review the proposed Charter, and then paying the Attorney Allen Watts to make suggestions and review it, that the Charter Commission simply have Mr. Watts draft, review and make suggestions for a charter. The Chair advised that he anticipates a rough draft by the next meeting of June 10, 2002. While on the topic of meetings, he also reminded the Commission that there is also a meeting on June 17th and possibly on June 24<sup>th</sup>. The Commission was in agreement on drafting the charter and of the upcoming meetings.

Arrangements have been made to have the meeting on July 15 in the large auditorium at the Lake City Community College. The college will make it possible to do a live televised taping on the public access channel (channel 8). There has been no decision as to what time the meeting will be held. The Chair asked that the dates and times of the public hearings be decided upon.

Motion by Commissioner Turberville to hold the public hearings at the Lake City Community College on July 15, 2002, July 29, 2002 and August 12, 2002 at 7:00 P.M. Second by Commissioner Bicknell.

Commissioner Rountree asked that the Commission consider having at least one of the public hearings at the Columbia County School Board Auditorium. Commissioner Null agreed to check on the availability of the building.

The motion carried unanimously.

The Chair asked if there were any other items the Commission would like to have considered prior to the draft being prepared.

Commissioner Rountree responded that he felt like there were gaping holes left in the topic of Constitutional Officers and the County Manager's position. He sought permission to make a couple of motions that he felt would close-up some of the holes. The Chair asked that the motions be held, but that he give information to be considered.

Commissioner Terrell pointed out that at the last meeting, there was a motion by Commissioner Terrell and a second by Commissioner Bicknell to remain silent of the issue of constitutional officers. There were thirteen members present. The vote was seven to six. He was of the opinion that the motion passed, but the Chairperson felt different. He said, "They got around this by saying that according to the bylaws, under the decision agenda, that the Commission shall approve by majority of the whole commission "a scheduled agenda of meetings". Commissioner Terrell advised that the entire Commission was not required to vote on that particular topic. (\*Clerk's Note: This discussion resumes at the bottom of page 13.)

Commissioner Rountree stated, "We basically left the constitutional officers alone, but I am of the opinion that we should basically abolish the existing constitutional officers' offices, and that we include in the proposed charter the identical abolished offices, and that they become charter officers." He also felt like holes were left in the administrative and legislative procedures and the powers and duties as it relates to the position of County Manager. Mr. Rountree stated that sample language was provided, but the only action taken was the adoption of the County Manager Form of government.

Commissioner Turberville attempted to clarify by saying that he recalled the motion made was to "do that" and to adopt the language that was in the draft provided by Mr. Spitzer. The Chair advised that the minutes would be reviewed to determine whether the language was adopted.

Commissioner Rountree stated that he is in favor of removing from the Clerk of Courts, the budgeting and financial responsibilities that he now performs for the Board of County Commissioners, and transferring those responsibilities to the County Manager in the event the offices are made charter constitutional offices.

Mr. Spitzer stated, "The draft language did make the County Manager the budget officer. It did not effect any of the other duties of the Clerk of the Court for the Board of County Commissioners. To address those sort of issues such as finance, accounting and auditing, you would have to abolish the Clerk's constitutional status, and transfer those duties to the County Manager." He concluded that the proposed charter does identify the County Manager as the budget officer, and left the remaining duties of the Clerk of the Court untouched.

Mr. Spitzer asked the Charter Commission to remember that by ordinance, the County Commission can now designate the County Manager as the budget officer without affecting the constitutional status of the Clerk of Courts. Commissioner Rountree asked if this was indicated in the minutes. He responded that he was not sure. Commissioner Null advised that per the minutes, the motion was to approve and adopt the principle of having a County Manager as part of the proposed charter.

Mr. Spitzer reminded the commissioners that all of the votes thus far have been to simply toss issues into the Decision Agenda, and that all matters will actually come back before the Commission again in a proposed draft charter. The proposed Charter will have more details. He concluded that it will take a 2/3 vote to include issues in the final document. He reminded the Charter Commission if they are unable to get a 2/3 vote, that the matter will default back to current practice.

Commissioner Rountree advised that since the last meeting, he had the opportunity to meet with a concerned citizen of Columbia County regarding the use of the School Board Auditorium. He advised that with the placement of some folding tables, and obtaining extension cords for the existing microphone system, it appeared to the citizen and himself that there is adequate room in the School Board Administration Building to hold the Charter Meetings. Therefore, at the request of this individual, Commissioner Rountree made a motion that consideration be given to the possibility of holding future meetings there, and that the time be adjusted to 7:00 P.M. Second by Commissioner Parker. The motion failed overwhelmingly.

\*Commissioner Terrell asked that the Chair finish the discussion he began earlier regarding the vote dealing with constitutional officers. He contended that there was a motion, a second and it carried 7-6. However, the understanding was given that in the bylaws of the Charter Committee, under the "Decision Agenda" that fifteen members were required to vote on the matter.

Chairman Brown advised that the rules provide that a decision agenda rule provides that the Charter Commission shall approve by a majority of the whole commission. Commissioner Terrell responded that the wording pertains to creating a schedule and an agenda of meetings and nothing else.

Mr. Spitzer stated that the motion passed, but not by the required eight votes. It passed 7-6. The clause in the rules speaks to the majority of the entire commission. Commissioner Terrell responded, "This clause pertains only to making up a schedule and the agenda of meetings. Not the way we vote. You have to go back to the quorum. We had a quorum. The "whole" commission votes only on the schedule and agenda of the meetings. I feel this passed 7-6 and it should be amended to reflect such." He complained that it will now take ten commissioners to bring it back to the table." The Chair promised to look into it and report at the next meeting.

There being no further business, the meeting adjourned at 8:00 p.m.

ATTEST:  
P. DeWitt Cason

\_\_\_\_\_  
Thomas Brown, Chairperson

\_\_\_\_\_  
Clerk of Courts

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056  
COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**MAY 13, 2002**

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- 5:30 P.M.    \*Call to Order  
              \*Invocation  
              \*Pledge to U.S. Flag  
              \*Roll Call  
              \*Approval of Minutes
- 5:35 P.M.    \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  Topic-Constitutional Officers:  
                  (1) Discussion of Constitutional County Officers  
                  (2) Discussion of Recall  
                  (3) Discussion of Salaries  
                  (4) Discussion of Nonpartisan Elections
- 6:05 P.M.    Topic-County Attorney:  
                  (1) Discussion of County Attorney
- 6:15 P.M.    Topic-City-County Relations:  
                  (1) Discussion of Countywide Ordinances  
                  (2) Discussion of Functional Consolidation
- 6:30 P.M.    Topic-Miscellaneous:  
                  (1) Discussion of Citizen Initiative  
                  (2) Discussion of Charter Amendments  
                  (3) Discussion of Utility Tax  
                  (4) Discussion of Planning Powers
- 7:00 P.M.    \*Remarks of Interested Citizens
- 7:15 P.M.    \*Unfinished Business  
              \*Review and Discussion of Manager Duties  
              \*Review and Approval of Charter Consultant Fees
- 7:45 P.M.    \*Adjourn

# Columbia County Charter Commission

May 13, 2002

5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Seeber Johnson opened with prayer. The Pledge of Allegiance to the flag of the United States of America followed.

## **Roll Call**

Deputy Clerk Jennifer Markham took roll call.

### Commissioners Present:

Emory Bailey, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Tom Brown, Edsel Parker, David Rountree, Seeber Johnson, Mario Coppock, Mike Null, Wilton Terrell, Delton Turberville, Ozell Graham and Rick Bicknell. (Rick Bicknell arrived late).

### Commissioners Absent:

Richard Weizenecker.

## **Minutes**

Motion by Commissioner S. Johnson to approve the April 22, 2002 minutes as presented. Second by Commissioner Terrell. The motion carried unanimously.

## **Topic: Administrative Executive Branch**

The discussion regarding the duties of the County Manager/Coordinator continued from the last meeting.

Consultant Kurt Spitzer advised that per the Charter Commission's instructions, he prepared draft language for a County Manager form of government, which attempts to embody some of the policy directions given to him by the Commission.

Mr. Spitzer sent a memo to the Commissioners last week providing draft language on a county manager form of government. In addition, a copy of the current County Administrator Ordinance and a copy of Florida Statute 125 was provided to the Commission for comparison. Mr. Spitzer reviewed the draft with the Commission.

## Review of Language

1. This Charter hereby establishes the separation between legislative and administrative functions of this government. The establishment and adoption of policy shall be the responsibility of the Board of County Commissioners, and the execution of that policy shall be the responsibility of the County Manager.
2. There shall be a County Manager who shall be appointed by the Board of County Commissioners and who shall serve at the pleasure of the Board of County Commissioners. The County Manager shall be chosen on the basis of his or her professional training, executive and administrative experience, and qualifications. The County Manager need not be a resident of the County at the time of appointment, but shall maintain residency within the county during the tenure of office, and shall not engage in any other business or occupation without the express approval of the Board of County Commissioners.
3. The County Manager shall be head of the administrative branch of county government, and shall be responsible to the Board of County Commissioners for the proper administration of all affairs of the county. The County Manager shall attend all regular and special meetings of the Board. The County Manager shall prepare and submit the annual operating and capital programs budgets to the Board of County Commissioners, and execute the budget and capital programs in accordance with appropriations and ordinances enacted by the Commission.
4. The Board of County Commissioners shall establish the salary for the County Manager at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract.
5. Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Manager. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Manager or County Attorney.
6. The Board of County Commissioners may appoint and reappoint the County Manager by a vote of a majority of the entire Commission, and remove the County Manager during a contract term by a majority vote at each of two successive regular meetings. The Board of County Commissioners may appoint an acting manager in the case of vacancy or temporary absence or disability of the County Manager, until a successor has been appointed and qualified, or until the County Manager returns.

7. The initial departments of the Board of County Commissioners shall be those that exist upon the adoption of this charter. Departments may be created, revised, merged or abolished by the Board of County Commissioners.
8. Department heads shall be appointed, supervised and terminated by County Manager, and shall be employees at will, and shall be responsible to the County Manager. The County Manager shall have the sole authority to terminate any department head with or without cause. The decision of the County Manager to terminate a department head may be appealed to the Board of County Commissioners pursuant to policy adopted by the Board.

Discussion:

Regarding 5. Commissioner S. Johnson expressed that he believes there should be wording included that will give commissioners authority to contact the road department and give direction to someone in the event of an emergency, or the unavailability of the County Manager. Commissioner Terrell agreed.

Mr. Spitzer responded that additional language could be added. However, in the event of a natural emergency or disaster, per Florida Statute, the Chairman is actually the authoritative head. He offered that operating procedures should be in place laying out a chain of command for those anticipate situations that may occur.

Regarding 7. Commissioner Rountree asked if item 7 refers to across the board departments, or only to those departments that now report to the County Coordinator. Mr. Spitzer responded, "This would include all departments that are under the control of the Board of County Commissioners, which would include the Public Works Department." Commissioner Rountree questioned item 8, which allows the County Manager to terminate department heads without cause. He mentioned the lawsuit filed by the deputy sheriffs who served at the pleasure of the Sheriff.

County Coordinator Dale Williams explained that under current policy, the department heads do have certain rights. A due process type of procedure is required before termination can take place. Mr. Williams explained that although he has the right to terminate the department heads under certain circumstances, an explanation is required. Mr. Williams explained the procedure is outlined in the County Personnel Policy, in the Policy & Procedures section.

Commissioner Bicknell asked Mr. Dale Williams, "Are the department heads career service employees?" The response was "No. There are no career service employees." The Commissioner asked, "Do they have some type of probationary period contract, which says they can go back into a probationary period, and that during that probationary period, they can be..... (inaudible)....?" Mr. Williams replied, "Yes. When Department heads are hired, they are under a 6 month probationary period as is any other county employee. During that probationary period, no cause is required for dismissal. However, once the probationary period has been served, they are entitled to any right and privileges as any other employee under the policy. Commissioner Bicknell asked if the

county departments are unionized. Mr. Williams responded that Public Works Department and the Emergency Medical Service are union departments, but not department heads.

Commissioner Ozell Graham suggested that before the Commission begins making changes to the language, that the Commission should take a close look at what is already in place. He felt that after listening to Mr. Dale Williams, that there are good procedures in place now. He was hesitant to make changes without a thorough review of the existing procedures.

Commissioner S. Johnson asked County Coordinator Dale Williams what procedure is in place now. Mr. Williams responded that emergencies are divided into two types, declared and non-declared. He explained that Mr. Spitzer addressed "declared emergencies" where state law takes over, and a large amount of power is then invested in the County's Emergency Management Director. During a declared emergency, the Chairman of the Board of County Commissioners does have a certain amount of obligations and duties. However, the primary power is invested in the Emergency Management Director. Emergency situations that result from heavy rains washing out a road or limbs down in a road would be handled according to the standard operating procedures. He explained that typically the problems are reported to the Sheriff's Department, and the Sheriff's Department has a list of who they are to contact within the Board of County Commissioners' offices, through the 911 Center to assist. The County has a list of "on call" staff to handle the situation. In the event a citizen calls a county commissioner, the county commission will contact the person on call. Mr. Williams explained that normally, it is his understanding that those complaints regarding malfeasance normally tend to come from an appointed employee. However, he said to his knowledge, malfeasance has never been an issue in Columbia County.

Motion by Commissioner Brown to approve/adopt the principle of having a County Manager as a part of the Charter.

Commissioner Terrell disagreed. "Somewhere down the line, if we go to the management type of duties, it's got to be ironed out somewhere, and I'd like to know what it is going to be before we ever say yes. I would like to know the verbiage now, rather than later."

Commissioner Parker asked, "I'd like to know why there is a need to even change what the system is now. I think we should leave it in tact, just like it is now, and have it in the charter."

Commissioner Bicknell reminded the Commission that at the last meeting, a decision was made by motion to remain silent on the issue.

The Chairperson called for a vote. The motion carried with ten voting in favor of the motion.

**Topic: Constitutional Officers**

Mr. Spitzer explained that there are a range of options to be consider for the charter when dealing with the constitutional officers. The options range from maintaining the status quo, to abolishing all positions and providing that the duties and responsibilities are transferred to appointed positions. Mr. Spitzer explained that it is not necessary to remain uniform when deciding. Each of the offices may all be treated differently. The Charter may provide changes as to how these positions are elected without directly effecting their independent constitutional status.

Motion by Commissioner Turberville that the Charter remain silent on the topic of Constitutional Officers. Second by Commissioner Bicknell.

Commissioner Coppock advised that he would like to see some changes with the Sheriff's Office. Specifically, the commissioner felt the position should be an appointed position.

Mr. Spitzer clarified what it would be to leave the positions "unchanged." If the Commissioner elects to remain silent on this issue, there will actually be a clause in the charter that specifically says that the rights, duties and powers of the constitutional officers shall remain unchanged.

Commissioner Rountree asked Mr. Spitzer if he could provide the advantages and disadvantages in charter officers vs. non-charter officers.

Mr. Spitzer stated there are many options, but the options depending on which office is being considered. To provide that the positions will be charter offices will mean that the constitutional office as provided in general law is abolished. The duties and responsibilities will then be transferred to a charter office. A charter office such as the County Manager that is specifically named in the Charter. The Charter Office is selected directly by the voters of Columbia County. The difference between that option and the current practice, as relates to the Sheriff, is two fold. First, the Sheriff no longer enjoys the right to appeal decisions of the Board of County Commissioners relating to his budget to the governor and cabinet. A charter officer, whether appointed or elected does not have the right of appeal. Secondly, the persons occupying administrative support systems, data processing, fleet management, risk management can be made to subscribe to the same support systems as other departments under the Board of County Commissioners. He also explained that the Charter could change the tax collector's budget approval process. The Board of County Commissioners with no right of appeal currently approves the Supervisor of Election's budget. The Clerk of the Court has somewhat of a mixed process, and the position has its authority from two different parts of the Constitution, the County Government Article of the Constitution and the Judicial Article. He explained that the Charter could abolish the Clerk of the Courts' duties as it relates to the Board of County Commissioners, but the Clerk of the Court of the Judicial System would still exist. He explained that the Volusia Charter still has a Clerk of the Court, but finance, accounting, investment of funds and those types of duties have been

transferred to a position under the County Manager. He again stressed each constitutional office could be treated differently. The Broward Charter has retained the elected constitutional Sheriff, Supervisor of Elections and Property Appraiser, but has taken the Clerk's financial responsibilities, and the Tax Collector's revenue collection responsibilities and transferred those to a department of finance, under the County Manager.

Amended Motion. Motion by Commissioner Turberville that the County Constitutional Officers' positions be left as is, under the current state law, and not be changed under the Columbia County Charter. Second by Commissioner Bicknell.

Commissioner Terrell agreed that the Charter should remain silent on the topic, because government is being taken away from the citizens. In the electoral process, Columbia County's citizens decide for themselves who they want to serve in these offices. He expressed concern that appointments may be clouded by personal feelings, and may get in the way of using good judgment.

Commissioner Parker stated that in an earlier meeting date, there was a committee appointed to get citizen input as to what they would like in the Charter, instead of the Commission deciding what should be put in the Charter. He asked to be brought up to date on this matter. The Chairperson responded that there has been no committee appointed by the Charter Commission to get input from the citizens of Columbia County. Commissioner Brown offered that he believes the appointed committee was for advertising the meetings. Mr. Spitzer stated that the subcommittee was appointed to find ways to advertise the meetings for the purpose of increased attendance, not to determine what the public wants to see in a charter. Chairperson Johnson reminded Commissioner Parker that the public is always invited to come to the meetings and offer input, and that three public hearings will be held to receive input and suggestions.

Commissioner S. Johnson asked if the motion on the floor indicates the Charter will be "completely" silent on the constitutional officers, or will they still be under a charter as a county charter officer. The Chair explained that the wording "remain as is" means just that, but there would be a brief provision within the charter to state the officers will remain constitutional officer pursuant to Florida law. Commissioner S. Johnson asked for additional clarification. He asked, "Are we leaving them "completely" out of the charter as charter officers, or are they going to be elected charter officers?" Mr. Spitzer responded, that it is his understanding the motion is that they would not be elected charter officers. He read from the Polk County Charter to offer assistance. "The constitutional offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Election shall remain as elected constitutional officers in their powers, duties and functions and will not be altered by this Home Rule Charter. The constitutional officers shall perform their executive and administrative functions as specified by law."

Commissioner S. Johnson asked, "If we pass what Mr. Turberville has made a motion on, the Sheriff would still have the authority to go to Tallahassee over the County Commissioner." Mr. Spitzer responded, that his understanding is correct, but depending

on how the positions are selected, the Commission has the option of leaving the positions, powers and duties unchanged, but have special conditions such as making the positions non-partisan in their elections, and making the positions subject to recall. He reminded the Commission that should the Charter pass, there is always the ability to amend the Charter.

Commissioner Rountree asked, "If we remain silent, based on the motion, are we forfeiting the discussion points of recall, non-partisanship and residency?" Mr. Spitzer responded, "No." He explained that by motion, the positions could still enjoy their independent nature and be elected on a non partisan basis, and not effect their constitutional status. Commissioner Rountree asked, "If the motion passed, would we still be able to take the budget and financial matters from the Clerk of Courts and give to the County Manager?" Mr. Spitzer explained, "No. I think to transfer a power or duty like that, you would really need to provide that the Office of the Clerk of Court is abolished and all responsibilities are transferred. Probably what you would do is transfer finance to the County Manager and accounting to the County Manager, and probably would create a separate auditor that is hired and fired by the County Commission."

Commissioner Wilton Terrell asked, if Charter elects to remain silent on this particular topic, if it could be handled as the Commission handled the topic of County Commissioners regarding salaries and term limits. Mr. Spitzer clarified, "We can choose to remain silent, but a majority can bring the issue back up at a later date."

Mr. Spitzer encouraged that if the Commission elects to remain silent, meaning no changes, that a clause reflecting their intent should be included in the Charter.

Commissioner Null assisted with the clarification, as he understood it. "If we were to do that (remain silent), there would be a provision in the proposed Charter that the Constitutional Officers would retain their state given authority. But, for instance, if we wanted to make them non-partisan, or whatever else, that would be provided in the Charter. So there would be some reference to the fact that they would still maintain their authority, but now they would be afforded the other changes, or would make the other changes if so approved." Mr. Spitzer agreed and advised that it is possible for a Charter to be written that would still allow the constitutional officers to enjoy their independent status, and there be another section that sets out the process for non-partisan elections and recall for all of the constitutional officers. He mentioned there could also be a clause that provides that even though they are non-partisan, or subject to recall, that their constitutional status will not be effected.

The Commission was advised that in terms of procedure, if the present motion passes, a commissioner still retains the right to make another motion relating to the other issues discussed. Further, after the public hearings, a commissioner could move to change the part of the draft Charter at that time. He reminded everyone that there may be changes to the draft once the public has offered input at the public hearings.

Commissioner Coppock expressed that an employee should not have to worry about repercussions if they endorse someone other than the person they work for. He said, "When you give a person autonomy, that is exactly what it is. They are just like a King or Queen of a throne and are able to do exactly as they please and do not have anyone to answer to." He expressed that his motion would be to take away some of that political strength, and give the County Commissioners the responsibility for investigating areas of cronyism or other things that should not be. He expressed that this is an issue every four years with the Sheriff's Department, and for that reason, he believes there should be an appointment to that particular office.

Commissioner Terrell reiterated that he feels the Charter Commission should remain silent with the understanding that the Charter Commission always has the option of review and change to the Charter if needed. Also, if there is a Charter Review Board, they have the option of review and making recommended changes. He expressed concern that appointments would do away with the electoral process "the people" are entitled to.

Commissioner S. Johnson stated, that if the Charter Commission is there to draft a charter, then one should be drafted. If the Commission remains silent on everything, then there will be nothing to bring to the people to vote on.

There was a call for a vote. The Chairperson advised that before taking a vote, there is a pending issue as to whether or not Commissioner Walker should be allowed to vote on matters pertaining to the constitutional officers.

Mr. Spitzer shared the written opinion of Charter Commission Attorney Allen Watts. He stated that the mere fact that Commissioner Walker is the tax collector does not, in and of itself present a conflict within the meaning of Florida law when considering matters affecting the constitutional county officers. *A copy of Mr. Watts' written opinion and reason for his opinion are attached.*

Commissioner Walker asked that the minutes reflect that he had not offered any type of input whatsoever since arriving at the meeting. He advised that he would abstain from voting on matters pertaining to the constitutional officers. The Chair responded that he should step out of the room when the vote takes place.

The motion failed with seven commissioners voting in favor of Mr. Turberville's motion, five commissioners voting against the motion and one commissioner abstaining from the vote.

There was discussion as to whether the motion actually carried. Mr. Spitzer advised that the Charter Commission's rules provide that a majority vote of the entire commission is required for a matter to be placed on the decision agenda. He pointed out there are fifteen members of the commission, which would require eight votes. Discussion continued.

Commissioner Null asked if it mattered in the count, if one commissioner's vote could not be considered. Commissioner Terrell was of the opinion that if one was not allowed to vote, there would be only a total of fourteen votes to be considered. Commissioner Brown asked if at this point the Chairperson should vote. Commissioner Brown asked for a re-vote. Mr. Spitzer advised that unless there is a conflict declared "every" commissioner should vote. Several of the Commission members asked for a recount.

The Chair asked for all in favor of Mr. Turberville's motion, who previously raised their hand, to do so again.

In Favor of the Motion: Commissioners Null, Bicknell, Bailey, Terrell, Turberville, Poole and Brown. Seven in favor.

Against the Motion: Commissioners Parker, Graham, S. Johnson, Rountree, Coppock and Chairperson Johnson. Six against.

According to the commission rules, there must be a majority vote of the entire commission. Therefore, the motion failed.

Commissioner Terrell expressed that as far as he is concerned, the motion carried among present members 7-6. He offered that Commissioner Walker's vote could not be considered, and Commissioner Weizenecker was not present to vote or be a part of the discussions. He did not understand how an absent member's vote should be a factor, since they would never be a part of the discussion that just took place. He also feels that an absent person abstains from voting when they are not present.

Commission Coppock questioned whether or not Mr. Walker should be considered in the numbers since his vote is neither for, nor against the motion. He went on to say if Commissioner Walker is not included in the numbers, only fourteen votes should be considered. The Chair responded that it was Mr. Walker's decision to abstain from voting. Mr. Spitzer reiterated, the rule speaks to a majority of the whole commission, not just to those present. Mr. Spitzer believes eight affirmative votes are required. However, if the Commission is unsuccessful in getting a supermajority vote on any issue, there would be a reversion to current practice. Mr. Spitzer stated that he feels in this case, it will be a reversion to the status quo.

Commissioner Bicknell spoke saying that he did not see anything in the letter from Mr. Watts which would preclude Commissioner Walker from voting. Commissioner Bicknell feels as a part of the commission, Commissioner Walker should vote. He stated that he believes Commissioner Walker should be counted among the numbers since he voluntarily abstained from voting. Commissioner Coppock replied, "His abstention cannot have a yea or nay attached to it." Commissioner Coppock stated for that reason, he should not be considered in the number. Commissioner Terrell agreed a person abstaining or not attending should not be considered.

Commissioner Null voiced that procedures were put into place and adopted. At a certain time, a certain number of votes are required.

Motion by Commissioner Brown that constitutional officers be elected by non partisan election. Second by Commissioner Rick Bicknell. The motion carried with eleven members voting in favor of the motion.

### **Recall**

There are no provisions set by general law that addresses recall of constitutional officers. However, there are provisions for recall for county commissioners set by state policy. It is not a procedure that can be changed by a charter. It takes a certain number of signatures to recall an official. The required number is on a sliding scale depending on the number of registered voters. In the recall process, there is a procedure for an official to respond to the charges in the petition. The response is then circulated. Signatures are again required and the matter will be placed before the votes of Columbia County. The criteria for which you may recall someone is very similar, if not identical to the criteria by which the governor can remove a person from office. He noted that there are counties that follow the similar procedure for recall of a commissioner.

Motion by Commissioner Brown that to have the constitutional officers subject to the same recall process as the county commissioners. Second by Commissioner Bicknell. The motion carried unanimously. (Clerk's Note: Commissioner Terrell was not present for the vote.)

### **Salaries**

Motion by Commissioner Bicknell that salaries paid to constitutional officers remain the same as mandated by state law. Second by Commissioner Terrell.

Commissioner Graham asked, "Is the salary mandated, or suggested?" Mr. Spitzer replied that state law mandates the procedure. However, unless the Board would like to make a change in the charter, there is not an option to have a different salary, other than that provided by state law.

Commissioner Parker disagreed with Mr. Spitzer, and asked how one would explain why Polk County was able to circulate a petition to cut their constitutional officers salaries in half. Mr. Spitzer explained that the Polk Petition did not effect the constitutional officers. The petition that was placed on the November 2000 ballot and was adopted by the members of the public affected only the salaries of the county commissioners, not the constitutional officers.

Commissioner Terrell asked, how a constitutional officers salary can be amended by a charter, when the salaries are established by Tallahassee. Especially if the Charter has agreed to leave them as constitutional officers. Mr. Spitzer replied that he believes there is recent cases where provisions affecting the constitutional officers was adopted

and have been put into effect, without abolishing the constitutional status of the office. Not as it relates to their duties or authorities, but as it relates to term limits.

The motion carried with ten commissioners voting in favor of the motion, and four voting against the motion.

### **County Attorney**

The County's attorney, Marlin Feagle was invited to attend the meet, and was in attendance.

This is an office that was created by a special act in the 1950's. Columbia County is the only county that continues to have an elected county attorney. A charter may amend or abolish a special act, and the Commission may choose to retain the position as it currently exists, or have the position selected by the County Commissioners.

Motion by Commissioner Walker for the position to remain an elected position. Second by Commissioner Terrell.

Commissioner Bicknell asked Mr. Marlin Feagle. "Would you rather your position be appointed or elected?" Mr. Feagle responded, "This charter will certainly be around a lot longer than I am. I would rather it be an elected position for Columbia County, but I would suggest that you consider the charter provision (not me) when making your decision. I think that there are a lot of advantages to it being an elected office. The office is more responsive to the voters and to the county when elected."

Commissioner Coppock asked how the County Attorney's salary is determined. Mr. Feagle responded the position pays \$75 per hour. Mr. Coppock asked if that amount was comparable to other attorney rates being charged. Mr. Feagle responded that it's probably a lot less.

Commissioner Brown opposed the motion. He pointed out there are no elected attorneys representing governmental bodies anywhere in the state of Florida. Commissioner Null agreed with Commissioner Brown, but said that he is aware of two times that there was a referendum to do away with the elected county attorney, but the voters clearly expressed their desire to maintain it as an elected position.

The motion died for a lack of majority. Five members voted in favor. Nine voted in opposition.

Motion by Commissioner Brown to have the position remain an elected position through this next election, and the term that follows. Then have the position be an appointed position. Second by Commissioner Bicknell.

Commissioner Terrell said, "I thought we were trying to give some of the government back to the people. Here we are tonight, sitting here wanting to take it away from the people. This is a public office elected by the Columbia County residents. If we abolish that elected position, they (citizens) will no longer have input on who the county attorney will be."

The motion carried with nine commissioners voting in favor of the motion.

### **City/County relations**

The Commission considered options in terms of the relationship of the County, with that of the City. There are two areas where the Charter may alter the relationship between the County and the City government. It may grant specific authority to the County Commission to adopt a policy in specific programmatic areas. The policy would be effective on a countywide basis. Another option would be to transfer the responsibility to operate an entire program, such as law enforcement from city government, to the county government.

Motion by Commissioner Bicknell to grant the Board of County Commissioners authority to apply ordinances countywide, inside and outside of the City limits. The motion died for a lack of a second.

Motion by Commissioner Brown to have countywide regulations dealing with land use, land management and environmental protection. Second by Commissioner Rountree.

Commissioner Null offered that there are two municipalities (City and County), all of which submit their land use planning through the Regional Planning Council. He noted the Regional Planning Council is not only the clearing house, but for the most part they also draft language to be used. He assured everyone there is a lot of coordination that goes on between the three.

The Commissioner expressed a desire to have additional information to consider prior to voting on the issue. The Chair agreed to locate a guest speaker to provide additional information.

Motion by Commissioner Turberville to table the topic of City County Relations, items one and two, until additional information can be obtained and considered. Second by Ozell Graham. The motion carried with ten members voting in favor of the motion.

### **Miscellaneous – Discussion Topics**

- Citizen Initiative*
- Charter Amendments*
- Utility Tax*
- Planning Powers*

Motion by Commissioner Terrell that the discussion topics be tabled until the next meeting. Second by Commissioner Walker. The motion carried with eight voting in favor of the motion, and six voting against.

### **Remarks of Interested Citizens**

Mr. Corey Williams asked the Commission to be mindful that they have an opportunity to restore power to the people.

Mr. H.L. Sistrunk ask what the four thousand dollar survey was that the commission was going to take some time back. Mr. Spitzer responded that the Charter Commission voted to not undertake the public opinion research survey. Mr. Sistrunk referenced a petition circulated. The Chair advised that anyone is welcome to furnish anything to the Commission they would like to. Mr. Sistrunk asked Commissioner Parker to provide a copy of the petition.

Mr. Sistrunk asked if the required signatures for recall would be countywide, or per district. Mr. Spitzer said if it is a single member district, the policy operates only within the district. Mr. Sistrunk asked Mr. Spitzer if it was legal for commissioners to have selected members of the Charter Commission from outside of their district. The response was "yes." Mr. Sistrunk asked to be provided with the statute that addresses county commissioners' salaries being mandated by the state. Mr. Spitzer responded, "I think it's chapter 145."

The Chairperson called for additional input. There being none, the Commission moved to unfinished business.

### **Unfinished Business**

Commissioner Bicknell asked that the record reflect that Reporter Samantha Sinclair who reports for the Lake City Reporter attributed his name to comment that was actually made by Mr. Terrell. He apologized to anyone who may have been offended by the comment that was not made by him.

Commissioner Turberville referenced the timeline. Policy review decisions are scheduled for June 10<sup>th</sup> and June 24<sup>th</sup>. He asked if it was possible to change the 24th to the 17th. Mr. Spitzer replied it would be fine with him to add the 17<sup>th</sup>, but to keep the 24 open incase it is needed.

Motion by Commissioner Turberville to amend the timeline to move the two issues scheduled for the June 24, to June 17 with the time and locations remaining the same, and for the 24 to remain an optional date if needed. Second by Commissioner Bicknell. The motion carried with ten voting in favor of the motion and four against.

Motion by Commissioner Walker to amend the time line to move the June 10 topics to June 3. Second by Commissioner Bicknell. The motion died with four voting in favor, and nine voting against the motion.

Commissioner Parker asked the two attorneys on the Commission if they knew of anything in his proposed charter that was illegal or unconstitutional. The Chair responded that the attorneys on the Commission are not the attorneys for the Commission. She stated that she is not in a position to give legal advise to the Commission.

Commissioner Parker made a motion to approve the proposed charter he submitted to the Commission, and give the people of the county a chance to vote on it. The motion died for a lack of a second.

### **Consulting Fees**

The Commission was provided with an invoice for consulting fees.

Motion by Commissioner Brown to approve and pay the fees. Second by Commissioner Walker. The motion carried with twelve voting in favor of the motion.

### **Other**

Commissioner Rountree advised that he spoke with AARP last Saturday regarding the proposed charter, and expressed appreciation for the key notes provided to him to use for speaking. He advised that approximately thirty people were in attendance.

Commissioner Terrell reported that he received an email and a letter concerning what someone felt were problems brought before the Commission. Mr. Terrell was of the opinion that both instances were very derogatory to the Columbia County Charter Commission. He was very frank and stated he is tired of receiving junk mail. He asked that his name and address be left out of this type of mailing. He concluded, "I do not like to receive pukey-junky mail like those two instances were."

Commissioner Parker said, "When "all of this" come about, I used my own money and time to gather information to bring a charter to the county". He complained that he recently found out that a county official used county time and county expense to make a call to degrade one of the speakers that came before the Charter Commission. He asked if this is allowed for one Board member, why he should not be reimbursed for the money he has spent in telephone calls.

Commissioner Walker responded that a Polk County group requested a copy of his telephone bill, which he requested be forwarded to them right away. Commissioner Walker said that he was informed it may take as much as a month to get the information because the county operates a month in the rear. He said, "The way my phone bills work is that I pay the Board of County Commissioners one sum to pay my bill. So the bills do not come to my office." Commissioner Walker went on to say that he then received something from the Attorney General's office directing him to submit. He then had County Attorney Marlin Feagle to respond saying that as soon as they were made available, he would submit them. Mr. Feagle confirmed this. Mr. Walker said as soon as the first bill came in, it was forwarded.

Commissioner Walker stated that the phone charge that has drawn interest is supposedly a call made to one of the employees' homes. And, there is another, but it is where one of his tag clerks called a tag clerk in Polk County. He concluded by saying to Commissioner Parker, "You need to tell your folks down there that if I want to pick up the phone and call them, I reserve that right to do that. But I have not misused county money on anything. But, if I need to call down there to get you some information, or anyone else on this Board, I'm going to pick up the phone and call them. And, regardless of what I talk about, that is my business."

Chairperson Johnson advised the Commission that she would be resigning her position immediately. She stated although she is a very private person, she felt she must give her reason for resigning to avoid questions or speculation. She informed the Commission that she was diagnosed with breast cancer last week and will have to undergo surgery next week. She will then undergo treatment after the surgery. Because of this, she would not be able to devote the required time to the Commission. She expressed appreciation for the opportunity to serve as the Chairperson for the Commission.

Commissioner Terrell, on behalf of the commission wished Chairperson Johnson well, and a speedy recovery. Commissioner Bicknell asked everyone to stand and join hands as he prayed for Commissioner Johnson.

There being no further business, the meeting adjourned at 7:45 P.M.

ATTEST:

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**APRIL 22, 2002**

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- 5:30 P.M.      \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.      \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  Topic-Administrative/Executive Branch:  
                  (1) Discussion of County Manager/Administrator  
                  (2) Discussion of Manager Appointment/Termination  
                  (3) Discussion of Manager Qualifications  
                  (4) Discussion of Residence  
                  (5) Discussion of Noninterference Clause  
                  (6) Discussion of Department Heads  
                  (7) Discussion of Elected Chairman or Elected Executive
- 6:35 P.M.      Topic-Constitutional Officers:  
                  (1) Discussion of Constitutional County Officers  
                  (2) Discussion of Recall  
                  (3) Discussion of Salaries  
                  (4) Discussion of Nonpartisan Elections
- 7:00 P.M.      \*Remarks of Interested Citizens
- 7:15 P.M.      \*Unfinished Business  
                  \*Report of Web Site  
                  \*Review and Approval of Charter Consultant Fees  
                  \*Report of Charter Commission Expenditures  
                  \*Discussion and Approval of Revised Timeline
- 7:30 P.M.      \*Adjourn

## Columbia County Charter Commission

April 22, 2002

5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Emory Bailey opened with prayer. The Pledge of Allegiance to the flag of the United States of America followed.

### **Roll Call**

Deputy Clerk Jennifer Markham took roll call.

#### Commissioners Present:

Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Ozell Graham, Tom Brown, David Rountree, Seeber Johnson, Mike Null, Wilton Terrell and Rick Bicknell.

#### Commissioners Absent:

Mario Coppock, Edsel Parker, and Delton Turberville.

### **Minutes**

Commissioner Rountree made a motion to approve the April 08, 2002 minutes with exception to a typographical error to the word "after" on page five. Second by Commissioner Poole. The motion carried unanimously.

### **Topic: Administrative Executive Branch**

Consultant Kurt Spitzer addressed the topic of Administrative Executive Branch. Mr. Spitzer opened his discussion by explaining that the issues that the Charter Commission faces concerning the County Administrator of Columbia County is different than many other counties that are considering a charter. Typically, a county has already established a county administrator position by ordinance. All non-charter counties are empowered by ordinance to adopt a county administrator form of government, whereby there is a separation of duties. He went on to explain that policy making and legislative duties are reserved for the Board of County Commissioners, and daily managerial administrative duties are delegated to a professional manager. Concurrent with that, the professional manager also prepares the budget for the consideration and approval of the Board of County Commissioners.

In Columbia County, although the practice is somewhat similar to that discussed, at the present time there has been no adoption of a formal county administrator ordinance. Therefore, the Columbia County Clerk of the Court is technically the

budget officer, and the Columbia County Administrator works very close with the clerk in preparing the budget. Having said that, Mr. Spitzer advised that the Columbia County Charter Commission may provide in the charter, that the county government will operate under a county administrator form of government. The charter may provide that Columbia County employ a professional manager, and that there will be a separation of responsibilities between legislative policy making and managerial duties, which would be reserved for the Columbia County Administrator/Manager.

Per Mr. Spitzer, each of the seventeen charter counties have a professional manager in place, except those counties that have an elected executive to head the administrative branch of their county government. Generally speaking, an election of an administrator is normally in the very large counties. The goal is to clearly identify who is in charge of the county government. This would be a single position where managerial authority with political constituencies would be organized to set direction for Columbia County. Frequently, in the large urban jurisdictions there is concern voiced that there is no clear definition as to who is in charge of the counties' government. Mr. Spitzer offered that the county may consider an elected administrator, or may continue as is, where the Columbia County Board of County Commissioners employs the Columbia County Coordinator. Mr. Spitzer stated that the charter could authorize the Board of County Commissioners to employ a county administrator, but not require it at this time. The last option would be for the charter to provide for a professional manager/county administrator with a separation of duties between the legislative branch and the executive branch. Depending on the direction the Columbia County Charter Commission decides to take, there are questions to be answered such as:

- What vote should be required when employing or terminating a county administrator?
- What qualifications will be required for a person to serve in a county administrator position (training experience, education)?
- Will the person serving in the administrator/manager position be required to live in Columbia County?
- Who will establish the qualification guidelines of the administrator?

Along those same lines, there are other questions such as:

- Will department heads of Columbia County be specifically identified in the charter?
- Will the Board of County Commission establish department heads by ordinance?
- Will department heads be employed by the Columbia County Administrator, subject to confirmation of the Board of County Commissioners? (Per Mr. Spitzer, this is the most common practice).

Mr. Spitzer mentioned a Non-Interference Clause. He stated that most charters contain policies that attempt to prohibit a county commission from giving specific directions to employees of a county administrator. He offered that it is sometimes problematic to enforce this type of policy, and there may be times penalties for violating the clause.

Mr. Spitzer opened the floor for questions and comments.

Commissioner Null stated that an ordinance was enacted in 1975 that created the Columbia County Administrator position. There was discussion. It was determined that the ordinance was not repealed, and is still in place.

Chairperson Johnson reminded the Commission that three members of the Commission are absent, and that in order for a motion to pass, it will take a majority vote of the entire membership to place an item on the Discussion Agenda.

It seemed to be the general opinion of those commissioners present that someone may always be absent, but since there is always an opportunity in the end to bring an issue back to the table, that they should proceed on with their discussions and votes.

The Chairperson directed the meeting to the first item of discussion.

#### County Manager/Administrator

Motion by Commissioner Bicknell, "The motion is that we adopt a manager form of government, with the Board of County Commissioners giving the Columbia County Manager authority (per F.S. 125.74), but still letting the Commission be the boss."

Mr. Spitzer advised that F.S. 125 authorizes the adoption of the county administrator form of government. Per previous discussion, it was determined that Columbia County has already adopted that form of government. There are also several other policies in that portion of the statute. It isn't mandatory for any non-charter county to adopt all of them. Most counties pattern their ordinances after that section. He added it certainly isn't mandatory that the charter follow that section. However, the Commission may want to consider the charter after those policies in Florida Statute 125.

Mr. Spitzer gave an overview of the duties listed in Florida Statute 125. The administrator shall carry out the directions and policies of the Board of County Commissioners. Report to the board on any action taken pursuant to any directive or policy within the time set by the county commissioners, and provide an annual report to the Board of County Commissioners. The Administrator shall provide to the Board of County Commissioner, upon request, data and other information concerning county government, prepare and submit to the Board of County Commissioners an annual operating budget, capital budget and capital program. Establish the schedules and procedures to be followed by all county departments, offices and agencies in connection with the budget. To supervise and administer all phases of the budgetary process, prepare and submit to the Board, after the end of each fiscal year, a complete report on the finances and administrative activities of the county for the proceeding year. Supervise the care and custody of all county property, recommend to the Board of County Commissioners a current position classification and pay plan. Develop, install and maintain centralized budgeting, personnel, legal and purchasing procedures. Organize the work of all county departments, subject to an administrative code developed by the administrator and adopted by the Board of County Commissioner. Select, employ and supervise all personnel, and fill all vacancies, positions or employment under the jurisdiction of the Board of County Commissioners. The employment of all department heads shall require a confirmation by the Board of County

Commissioners. Suspend, discharge or remove any employee under the jurisdiction of the Board, pursuant to the procedures adopted by the Board. Negotiate leases, contracts and other agreements, including consulting services for the county, subject to approval of the Board of County Commissioners. Ensure that all terms and conditions of all leases, contracts and agreements are performed, and notify the Board of any violation thereof. Order, upon advising the Board of County Commissioners, any agency under the administrative jurisdictions as specified in the administrative code to undertake any tasks for any other agency on a temporary basis if deemed necessary for the proper and efficient administration of the county government. Attend all meetings of the Board of County Commissioners. Perform such other duties as may be required by the Board of County Commissioners.

Commissioner Bicknell asked that he be able to restate his motion.

Motion by Commissioner Bicknell, "My motion was that we adopt the manager form of government in Columbia County, and that the manager be given specifically, by the Board of County Commissioners, at their discretion, those powers that are authorized for that manager under 125.74." He added, "The Board of County Commissioners could give all of the described powers, or a portion of the powers." There was a second to the motion by Commissioner S. Johnson for discussion.

There was discussion as to whether County Coordinator Dale Williams currently has all powers of Florida Statute 125.

Mr. Dale Williams offered clarification of his current job description. "County Coordinators in the State of Florida have a wide range of duties and responsibilities. Most county managers and administrators have almost equal powers and duties. County Coordinators have a broader range. In some counties, they are nothing more than glorified secretaries. In other counties, a broader range of duties have been given by the Board of County Commissioners. If a comparison was done of 125.74, you would find two distinct differences between the powers and duties that I have, and those that the statute allows. I am not the budget officer. In the absence of Board of County Commission designating a budget officer, it automatically falls with the Clerk of Courts. However, as Mr. Spitzer stated, I work very closely with the Clerk of Courts. I would say that I do the vast majority of the budget preparation, and it's never been an issue. Historically in Columbia County, there have been some issues between the administrator (who did have the title) and the Clerk at that time. Fortunately for me, it has never been an issue with the current Clerk of Courts and it's worked out well. The second distinct difference is that the Columbia County Public Works Directors is not hired by me, but is hired by the Board of County Commissioners. However, my office provides many of the ministerial type functions for the Public Works Department. All counties that have an administrator or a manager, have all department heads answer to them. Some other differences are that the department heads are not approved or ratified by the County Commissioners in Columbia County. I have the authority to hire other department heads at my sole discretion with no ratification from the Board of County Commissioners. Mr. Williams explained that although he has the authority to hire and terminate, he always discusses his decisions with the commissioners. This position has not been given any rights by ordinance or law. Anything that I do is strictly done because the Board of County Commissioner has directed that I do so. The

authority that I now have was not given to me right away, but the authority has been granted over time.”

Commissioner S. Johnson asked, “Do you think that it would work better if you had the authority over the Road Department and the Budget? You said that you were doing most of the budget anyway.” County Coordinator Dale Williams responded, “Mr. Johnson, the truth is that several boards in the past have told me that they were going to give me Public Works, and the honest truth is that I am the one that kicked about it. Not them.” He went on to say that whether the Road Department answers to him, or not, doesn’t change his opinion of the duties of the job and how it is to be carried out. He expressed that he trusts the Charter Commission’s decision. County Coordinator Dale Williams concluded, “I want you to understand, that even if you hire a full fledged administrator, the duties are basically the same with the exception of those I’ve outlined.”

Commissioner Graham express that it seems to him that Columbia County has a manager in a sense. Commissioner Graham expressed, “I do see a problem in these two areas, budgetary and public works. But the biggest problem I’ve got is that the County Commission has such power over the office. I got a problem with that. So, I don’t see any point of how the county would benefit if we have a county manager, verses what we have now, with the exception of giving this office the responsibility that it should have.”

Commissioner Brown agreed that there is a good working relationship between County Coordinator Dale Williams, the County Commission and the Clerk of Courts. However, he expressed concern that in future years, there may not be such a working relationship. Mr. Brown expressed that the county manager/administrator should have authority over all county employees to hire and terminate. He stated that he would also like to see a noninterference clause added in the charter.

Mr. Spitzer clarified, “By ordinance, a non-charter county may adopt all of Florida Statute 125.74, or a portion. But beyond that, you could pretty much adopt whatever policy you would like. For example, you do not have to have a provision that requires that the County Commission confirm the employment of department heads. The charter can simply authorize the county’s administrator to unilaterally hire and fire department heads. You do not have to follow the specifics of what Chapter 125.74 says.”

Commissioner Walker commented, “If we elect to have a county administrator or county manager, we are not bound by section 125.74 of the Florida Statute. Can we dissect it and put what we want in it?” Mr. Spitzer responded, “Right.” Mr. Spitzer recalled Commissioner Turberville’s discussions at previous meetings regarding whether or not a county “must” adopt a county administrator form of government. Mr. Spitzer said, “I’m not a lawyer, but I don’t see that you have to do that. It may be a very wise thing to do, but I don’t think that you “must” do it. And, if you want to do it, I think you have great latitude in terms of what the policies are for that section of the charter.”

Commissioner Terrell spoke. “We don’t have a broken horse here. Let things run as they have run. Let’s leave well enough alone.” He went on to say that a Charter Review Committee

would eventually be put in place, and should a problem arise, it could be addressed by the Charter Review Commission.

Commissioner Seeber Johnson offered, "I agree with you, but there are a couple of things I would like to see changed. I would like to see Mr. Williams have control over all of the county employees, not just the ones that he has. I could live with the budget the way it is, or I could vote to have Mr. Williams handle all of the finances."

Commissioner Rountree expressed his opinion. "I tend to support the county manager form of government. Included in that, I feel the county manager/administrator should have responsibility over all department heads, including public works. In observing the budget process with the county over the past four or five years, I feel the county manager/administrator should have complete budget responsibility. Right now, the Clerk of the Court has that responsibility. And, if you set in on the budget work-shop process, you will find there are basically two people who know what is in the budget. That is the County Administrator and an external auditor. The Clerk of the Court, from my perspective is basically clueless as to what is in the budget. I feel very strongly that if we are going to assign a manager form of government, that he/she should have complete and utter responsibility. *(Clerk's Note: \*Commissioner Rountree gives clarification of his comments on page 7.)*

Commissioner Bicknell responded that he feels the Clerk of Courts and the County Administrator have done an excellent job in working together to prepare a budget. Commissioner Bicknell responded that the Clerk of Courts office has also returned money to the county every year. Commissioner Bicknell felt the return of money at the end of each year reflects the Clerk's ability to work well with the County Coordinator, and his ability to handle his own budget very well too. Commissioner Bicknell advised that he would be willing to amend his motion to include the Public Works Department into the County Manager's position. But, when it comes to budgetary constraints, he said, "I look at it as balance and counterbalance. You have the Clerk of Courts looking at it, and you have the County Manager looking at it ("budget"). When you have two people looking at it, you tend to have better results."

Commissioner Bicknell made an amendment to the motion, "I make an amendment to the motion to include that the County Manager also be responsible to head up the Public Works Department. Second by Commissioner S. Johnson.

There was discussion as to the intent of the motion. Commissioner Bicknell expressed that he simply wanted to change the title of Mr. Dale Williams, and leave the office exactly as is. Commissioner Brown suggested that the discussion be tabled until Mr. Spitzer could draft proposed wording for the Commission's consideration. Commissioner S. Johnson withdrew his second to the original motion and to the amended motion. The Chair called for a second. Commissioner Bicknell withdrew his motion.

Motion by Commissioner Bicknell, "Let this Commission just remain silent on that position, and let it continue on like it's continuing." Second by Commissioner Terrell.

Commissioner Walker expressed that he didn't like the motion. He explained, "Everything is working great right now. Thank God we have Dale Williams. But if Dale Williams walks out the door, you don't have another Dale Williams. We need to address this issue. This is very important. But we need to know what the verbiage is, that we are asking the County Administrator to do."

Commissioner Terrell stated, "I think all the Commission needs to do is remain silent."

Commissioner Null suggested "I think we could take F.S. 125, which is generic primarily in nature, and just go through that and pick some of those things out. Maybe we should even delete some of those things, particularly as it relates to being the budget officer, and incorporate that. Once we do that, we could bring it back to this group, and that in itself if approved, would not change what we now have. But, it would at least give us something more specific."

Mr. Spitzer advised that the current practice could be embraced to include an ordinance in Florida Statute 125 in the charter. The difference is, once in the charter, it can only be changed by a vote of the public.

Commissioner Rountree clarified a previous comment regarding the Clerk being clueless regarding the budget process. \* "I have been before the County Commissioners during the budget process and questioned them repeatedly as to why a county officer does not submit the budget to the county's commissioners. The budget has always been submitted by an external auditor. I am not suggesting that Mr. Cason doesn't know what is in the budget. The Clerk of Courts does an excellent job in financially accounting for the budget, and in the investment of revenue for this county. But, from an average citizen sitting in the audience during the budget process, I look to the Clerk of the Court, who is the official record keeper of the county to be able to present the budget to the County Commissioners."

Commissioner Brown felt the Commission would be taking a large step back by passing the motion. Commissioner Walker agreed with Commissioner Brown.

There was discussion among the commission as to a time when Columbia County was not as content with the County Coordinator as they are now. There was also general discussion of preventing a reoccurrence with future administrators/managers will be responsible for carrying out the mandates of the commission.

Commissioner Null agreed that there were problems under a previous administration, but reminded the Board the position of County Administrator was new to the county during that time. "The position was new, the county was experiencing large growth, and the county was involved in many innovated things that were not necessarily well received. So all the blame cannot be placed on Mr. Brantley, but also the County Commissioners. The County Commissioners allowed things to fall the way it did." He also offered that the position didn't offer a complete job description at that time, and through the years, the job descriptions/functions have been created and added to County Coordinator Dale Williams' job description.

Commissioner Bicknell withdrew his motion.

Motion by Ray Walker to table the matter until County Coordinator Dale Williams could generate and provide a list of duties. Mr. Walker felt once the duties have been provided, the Commission could then consider what to add or take away from the job description. Second by Commissioner Bailey. The motion carried with seven voting in favor of the motion.

Chairperson Johnson made an executive decision to have Commissioner Brown work with County Coordinator Dale Williams on drafting language incorporating all comments made before the Commission regarding the job description.

Motion by Commissioner Brown to have Mr. Spitzer work with them on drafting the language. Second by Commissioner Rountree. The motion carried unanimously.

Mr. Spitzer asked, "In term of appointment and termination, by what vote of the Board of County Commission is a manager hired and terminated?"

Motion by Commissioner Brown to have hiring done by simple majority vote, and termination be by simple majority vote, but after a two week cooling off period, and two meetings. There were several seconds to the motion. The motion carried unanimously.

Mr. Spitzer asked, "In terms of qualifications, should the manager be required to be a resident of Columbia County during his/her term of employment?"

Motion by Commissioner Brown that the person hired must be a resident of Columbia County. Second by Commissioner Poole. The motion carried unanimously.

Mr. Spitzer asked, "What should the qualification requirements be for training and education?" He mentioned that charters generally vary in this area. "Some require the manager to have a four year college degree, while others do not."

Motion by Commissioner Johnson to have the County Commissioners decide what type of education is needed for the job. Second by Commissioner Terrell. The motion carried with eleven votes.

Mr. Spitzer asked, regarding departments, "Are the departments to be specifically identified in the charter, or should they simply be the departments that exist upon the date the charter is adopted?" He also asked, "Who has the authority to hire and terminate persons employed as department heads? Will it be unilaterally, the decision of the County's manager, or should the County Commission be required to confirm the recommendation of the County Manager to employ a department head?"

Motion by Commissioner Walker to leave as is, but to put the Road Department under the manager/administrator, and give the administrator/manager the right to hire and terminate. Second by Commissioner Brown. The motion carried unanimously.

Mr. Spitzer sought direction regarding a non-interference clause that would attempt to prohibit or restrict a county commissioner from circumventing the Manager and giving instructions to a department head to undertake a particular action. He offered that charters vary in this area.

Motion by Commissioner S. Johnson that a non-interference clause be included in the charter. Second by Commissioner Rountree.

Commissioner Bicknell asked if there should be language making an exception in the event of a catastrophe. Mr. Spitzer responded that per Florida Statute, the Chairman of the Board of County Commissioners has specific authority granted in the event of a declared emergency.

Commissioner Rountree noted that Mr. Spitzer mentioned two terms on the non-interference clause, "prohibit" and "restrict". Mr. Spitzer responded the proper term should be "discourage". He explained that many times it is a very tough clause to enforce if there is a strong-willed commissioner determined to ignore the clause. Mr. Spitzer stated that he could offer verbiage to assist with this, but there is no absolute guarantee it would be enforced.

The motion carried unanimously.

Mr. Spitzer asked, "Do you want to have a directly elected chair of the Board of County Commissioners or some elected executive form that would head the administrative branch of the government?" He added that Columbia County probably isn't ready for that. He also stated that if you keep five commissioners total, you would have one commissioner elected countywide to serve as chair, and the remaining four commissioners would be most likely elected from single member districts.

Motion by Commissioner S. Johnson, "I make a motion to keep it as is for right now." Second by Commissioner Rountree. The motion carried unanimously.

#### **Topic: Elected Officials/Constitutional Officers**

Motion by Commissioner Terrell to remain silent on this topic. He added, "These officials elected by the people of Columbia County, and I think they are all doing a wonderful job. And, if they cease to do a good job, the people will say so." Second by Commissioner Graham.

Commissioner Walker felt item #4 should be addressed, and that the officials should be non-partisan and all run for election at one time.

The Chairperson cautioned Commissioner Walker that until an attorney has been retained for the Commission to consult with, that his input into this topic should be restricted to avoid tainting the discussions.

Commissioner S. Johnson agreed that all constitutional officers should be made nonpartisan. Commissioner Bicknell echoed the sentiments of Commissioner S. Johnson and asked that the Commission keep in mind the discussion of recall. Commissioner Bicknell stated, "I think we will all agree that we have a fine group of people serving in office right now, but our task is to look ahead. There may be someone in the future that may need to be recalled." Commissioner Rountree agreed that non partisan elections would be a benefit, and felt the issue of recall and budgetary assignment should be addressed.

Two commissioners voted in favor of the motion. The motion died.

Chairperson Johnson asked what the pleasure of the Board would be in continuing discussions on this topic, or beginning the topic at the next meeting.

Motion by Commissioner Terrell to continue discussions at the next meeting. Second by Commissioner Weizenecker.

Commissioner Rountree suggested a special meeting should be considered to address the topic, and to stay on the time line.

The motion carried with nine commissioners voting in favor of the motion.

### **Citizen Input**

Mr. H.L. Sistrunk stressed that the biggest issues are not the constitutional officers, but the issue is that the County Commissioners will not be accountable for the tax money. Mr. Sistrunk asked County Coordinator Dale Williams, "How much money is it, that you could lay your hands on right now if you needed to?" Mr. Williams responded, "Nine million dollars." Mr. Sistrunk asked, "Did you know that when the gas tax went in the first part of January 2001, that the County borrowed \$6,000,000 on that? Why was it necessary to borrow that money when it would have paid for itself? The first eight months of 2001, you got over \$1,000,000 from that gas tax. You have people in this county that is having to work two jobs to pay taxes and send their kids to school."

There was a final call for citizen input. There being no others interested in speaking, the Commission proceeded.

### **Web Site**

Commissioner Null reported that the charter site now calculates the number of hits received per week. Last week there were 130 hits to the Charter Commission web site. Commissioner Null advised that PDF files can now be added to the site. Finally, he reported that the charter site's Webmaster is going out of business, but there is a possibility that two of the employees of that business may take over the business. Additional information will be provided to Commissioner Null at the end of the week regarding this matter.

### **Expenditures**

The Commission is in receipt of a statement from the consultant, billing period through March 31.

Motion by Commissioner Terrell, "Having reviewed the statement, I make a motion that we pay the stated amount." Second by Jim Poole. The motion carried unanimously.

Assistant County Coordinator Lisa Roberts reviewed an itemized list of expenses (through April 8, 2002) forwarded to the Commission with the last agenda.

Office Supplies	-	\$918.97
Copies	-	\$843.47
Web Site	-	\$1,905.00
Postage	-	\$67.60
Sound Equipment	-	\$1,049.45
Security	-	\$871.50
Misc.	-	\$225.00

Motion by Commissioner Brown, "I so move." Second by Commissioner Terrell. The Chair asked that everyone in favor of the expenditure, to raise their hands. The motion carried unanimously.

### **Timeline**

Mr. Kurt Spitzer advised that the timeline has not changed since it was provided to the Commission last. He pointed out the timeline dated March 15, 2002 has never been approved.

Motion by Commissioner Bicknell to approve. Second by Commissioner Terrell.

Commissioner Null stated that he concurs with the timeline, but was of the opinion that if need be, the Commission may have to work a little longer at future meetings, or hold a special meeting to stay on schedule. The Chairperson assured Commissioner Null that the Commission would adhere to the timeline, and additional meetings will be scheduled if needed to meet the goal.

### **Attorney**

Mr. Spitzer advised that he spoke with Attorney Watts to discuss expenses such as travel. His travel expenses will follow the state schedule, which is twenty-nine cents per mile. Mr. Watts advised that he will not bill the Charter Commission for his personal time spent traveling. Other than his fee of \$160 per hour, the only cost would be for things such as copies and long distance telephone calls.

Motion by Commissioner Brown to engage the attorney. Second by Commissioner Johnson. The motion carried unanimously.

**Library**

Commissioner Rountree advised that he spoke with the Columbia County Public Library, and they are willing to help disseminate information to the public. They are also able to chart information pertaining to the charter, and make available to the public. There is a public bulletin board inside the library that may be used to post information. He mentioned the televised bulletin board was also available to the Commission. The information will need to be provided two weeks in advance, and will show on the televised community public bulletin board (channel 6) for fifteen seconds. Mr. Spitzer offered to draft a notice of dates and times of meetings to be advertised.

There being no other business, the meeting adjourned at 7:15 P.M.

ATTEST:

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

\_\_\_\_\_  
Chairperson Leandra Johnson  
Columbia County Charter Commission

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**APRIL 8, 2002**

- 
- 5:30 P.M.    \*Call to Order  
              \*Invocation  
              \*Pledge to U.S. Flag  
              \*Roll Call  
              \*Approval of Minutes
- 5:35 P.M.    \*Joe Cone, City of Lake City, City Manager
- 5:50 P.M.    \*Mr. Kurt Spitzer, Charter Consultant  
              Spitzer & Associates  
              (1) Discussion of Voting Process and Procedures
- 5:55 P.M.    Continuation of Topic of Board of County Commissioners:  
              (1) Discussion of Vacancies  
              (2) Discussion of Residency Requirement
- 6:05 P.M.    Topic-Administrative/Executive Branch:  
              (1) Discussion of County Manager/Administrator  
              (2) Discussion of Manager Appointment/Termination  
              (3) Discussion of Manager Qualifications  
              (4) Discussion of Residence  
              (5) Discussion of Noninterference Clause  
              (6) Discussion of Department Heads  
              (7) Discussion of Elected Chairman or Elected Executive
- 7:05 P.M.    \*Remarks of Interested Citizens
- 7:15 P.M.    \*Unfinished Business  
              \*Report from Committee on Publicity/Education  
              \*Retaining Legal Counsel  
              \*Report of Web Site
- 7:30 P.M.    \*Adjourn

# Columbia County Charter Commission

**April 08, 2002**

5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Seeber Johnson opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL CALL**

Deputy Clerk Sandy Markham took roll call.

### Commissioners Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Mario Coppock, Ozell Graham, Edsel Parker, Tom Brown, David Rountree, Delton Turberville, Seeber Johnson, Mike Null and Rick Bicknell.

## **MINUTES**

Chairperson Johnson thanked Sandy Markham, Deputy Clerk, for her diligent work in preparing and distributing the minutes in a timely manner.

The minutes for the February 27, 2002 meeting were considered by the Commission. A motion was made by Commissioner Rountree to approve. There was a second by Commissioner Bicknell. The motion carried unanimously.

The minutes for the March 11, 2002 meeting were considered by the Commission. Commissioner Graham asked that the minutes be changed to reflect his absence at the meeting. There was a motion by Commissioner Rountree to approve. There was a second by Commissioner Bicknell. The motion carried unanimously.

The minutes from the March 18, 2002 meeting were considered by the Commission. Commissioner Bailey advised that he came in just after the meeting started on March 18, 2002 and asked that the minutes reflect his presence at the meeting. There was a motion by Commissioner Rountree to approve.

## **GUEST SPEAKER**

The guest speaker for the evening was Mr. Joe Cone, who is the Manager for the City of Lake City. He offered information for the Charter Commission to consider as it proceeded with its comprehensive study.

Mr. Cone gave a summary of his background stating that he began working in county government in 1972 as a planning and zoning technician for Hernando County. After approximately three years, he began working with the City of Ocala, where he eventually became the City of Ocala Manager for an eight year period. Mr. Cone noted Ocala has a charter government. After working with Ocala for several years, he moved on to gain valuable experience with Santa Rosa County. He eventually moved to Lake City, Florida where he has served as the City Manager for the past five and one half years. He offered that in his experience, many times a charter is initiated by someone with a particular objective (to control one particular thing; i.e. terms or salaries). He stressed that there are many things that a charter can do, both good and bad.

In Mr. Cone's opinion, it would be a bad thing for the charter to allow for the counties to adopt rules, regulations and ordinances that would very possibly have a negative impact inside the city. He mentioned that not only would the City of Lake City have the state mandates to deal with, but it would also have another mandate organization (charter commission) to deal with. He expressed that the present method of entering into inter local agreements has been very successful.

Mr. Cone discussed the benefit of inter local agreements. He stated, "we have some great inter local agreements in Columbia County." Youth from inside and outside of the city are signed up for sports. Citizens usually do not recognize political boundaries when it comes to recreation. Therefore, it has been agreed between the City of Lake City and the Board of County Commissioners, that this should be a shared expense. There are also agreements on fire and rescue services, parks and recreation, and joint technical positions. He stated that it would be extremely foolish for the City to attempt to operate on its own with the demographics of Columbia County. He stated that the charter could be a great working document, but cautioned the Charter Commission to be careful in how they choose to structure an ordinance addressing those issues. He mentioned that there is merit in the consolidation of the police and sheriff departments. However, the City and the County have worked out agreements that are beneficial to both.

He expressed that his own personal frustrations while serving as a county administrator was the finance issue. While serving in Marion County, it was his experience that once all budgets had been submitted, the budget hearings would go on until all hours of the night, because there was a public demand that the budget be cut and that the millage rate be cut. Unfortunately, the only budget the Board of County Commissioners had control over was its own. As a result, the cuts would have to come in departments that the county controlled, such as the road department, building and zoning department, and recreation department. He pointed out that the Sheriff's budget cannot be controlled by anyone. If a sheriff is determined to have his budget approved, he may

go to the Governor and the Cabinet and lobby to have an order issued to have the community fund the sheriff's budget. He concluded that it is possible to have an ordinance giving the County Administrator authority over constitutional officers' budgets. Mr. Cone was of the opinion that the budget process in place now, which is the zero-base budget, works very well.

Mr. Cone offered, "As far as the City is concerned, I would just reiterate that we don't want another layer of government between us and Tallahassee." There are things a charter county can do that a non-charter county cannot do. The City can do anything that the law does not expressly prohibit. Counties can only do what the law expressly permits. He concluded, "Everything depends on what's in the charter. But I caution you not to make a charter too specific, because it can cause problems for you down the road when you get involved with implementation."

Chairperson Johnson opened the floor to the Commission for questions.

Commissioner Parker asked "Do you agree that a charter, if properly written, gives the citizens more authority over their elected officials?" Mr. Cone responded, "That is a broad question. Again, It depends on the charter. If you're talking about having the opportunity to submit a petition directly to the voters regarding issues a county commission refuses to address, then "yes," that is an opportunity you would not have without a charter. Also, you have a recall with a charter." Commissioner Parker stated that his reason for asking was that there have been complaints from the citizens about commissioners forcing unwanted taxes on them without a vote. Mr. Cone responded that it seems that property taxes are a major issue on the county level. He mentioned that in the Marion County budget, out of a \$182,000,000 budget, \$32,000,000 was property taxes. The balance was other things. According to Mr. Cone, property taxes seem to be the one item that citizens seem to focus on. But, it's important for local government to have as much opportunity as they can to tap other sources of revenue because that is where the money is.

Commissioner Bicknell asked, "I realize that you start with a zero budget every year, but where does the money for the City of Lake City come from? Secondly, do you ever have a surplus at the end of the year? Thirdly, do the citizens who live outside of the city limits face any tax burden when the city needs funding?" Mr. Cone answered, "Yes, we have a yearly surplus. Property taxes and sales taxes have the greatest amount of latitude. Gas tax money can only be used for designated purposes. The people that live outside the City of Lake City do not pay a tax. There is a surcharge on utilities for those utility customers outside city limits. Some call that a tax, some don't. It depends on what your definition of a tax is. Commissioner Bicknell asked, "If I'm a resident of the county and get no type of service from the City, am I paying any portion of the City's budget?" Mr. Cone responded that the only thing the City would get from you is a portion of the sales tax you pay.

Commissioner Terrell asked if there is an advantage in charter government to consolidating law enforcement motor pools. Mr. Cone said, "On the surface, it would appear that there would be an advantage, but you would have to take a real look at seeing what the benefits would be, if any. There are definitely some functions that warrant consolidation. Recreation would be a classic example. Commissioner Terrell was of the opinion that the local law enforcement have an excellent relationship and work very well together. Mr. Cone agreed that the two agencies have an excellent working relationship. Mr. Cone explained that there are counties that have special millage rates depending on where you live in the county. As an example, he stated that someone in an area like Ft. White may be charged a higher millage rate than someone who is located a mile outside of the City limits, because it costs more to respond to someone that far out. Everyone wants the services, but who and how they will be paid for is the problem.

Commissioner Turberville asked County Coordinator Dale Williams if the county uses a zero based budget. The response was that the County uses a zero base modified. Commissioner Turberville asked Mr. Williams if he meets and negotiates with the elected officials and other department heads regarding their budgets. Mr. Williams explained that typically, he prepares a floor budget and delivers it to the Board of County Commissioners. The floor budget is a level of funding that is needed to adequately maintain all functions at the same level. The revenue calculations are done to determine how much excess revenue they have over the original floor budget. The budget process is not the same for any one government anywhere. It's more of a trial and error process to determine what works best for a county. Mr. Williams added that during his eighteen year term, the budget process now in place has by far worked the best. Finally, Commissioner Turberville asked when the county had the last millage increase. Mr. Williams responded, "It was 1984. It was the year we funded the county jail."

Chairperson Johnson thanked Mr. Cone for taking time to speak to the Charter Commission.

#### **Consultant Kurt Spitzer**

The Chairperson called on Mr. Kurt Spitzer to discuss voting process and procedures for the Charter Commission to follow.

Mr. Spitzer began the review of the Charter Commission's adopted rules concerning voting on particular issues. He explained there is a process of steps, and the Commission has completed two of the steps. The first is to identify issues and place them on an agenda/matrix for discussion. He noted that the Commission is presently in the midst of discussing several of those items. The Commission will begin discussing the County Administrator form of government very soon.

After a topic is completed, the Commission will decide by majority vote whether or not to include it in the decision agenda. This is tentatively scheduled for June 10, 2002 and June 24, 2002. He explained that at that time, the Commission will be presented with specifically drafted language, and it will be by different sections of the charter that the

Commission will vote to include or exclude from the decision agenda. The rules provide that for an issue to be voted in finality, it will require a 2/3 vote of those Charter Commissioners present, but not less than seven. It requires an extraordinary vote to include an issue in the proposed charter. There will be a proposed draft charter, and it will go to at least three public hearings. The meetings must be separated by at least ten days, but no more than twenty days. The Commission may vote on amendments to the proposed charter during the final meeting, and then adopt the final document. The final document will then be presented to the Board of County Commission of Columbia County for placement on the ballot. A special election must be called to have the public vote on the proposed charter. The special election may, and most of the time does occur during a general election during the fall. The County Commission may not amend, revise or otherwise alter the document. The final vote on the charter must, likewise, be by a 2/3 vote of those Commission members present, but at least seven votes. As the initial discussions regarding the County Commissioners come to a close, Mr. Spitzer suggested that the rules be reviewed with the members of the Charter Commission to ensure there is a consensus as to that process.

Commissioner Turberville stated that he believed that the rule, which requires a 2/3 present membership vote to pass something, had been changed to 2/3 of the Commission membership. Mr. Spitzer responded the rules require 2/3 vote of the members present, but not less than seven members. However, there are other areas in the rules that require majority vote of the entire Charter Commission. Commissioner Turberville asked if in Mr. Spitzer's opinion if 2/3 of the Commission would be better than 2/3 of Commissioners present. Mr. Spitzer responded that is simply a matter of policy for the Commission. Different Charter Commissioners require different numbers.

Commissioner Brown asked, "Within our rules, is there some way, after hearing all of the discussion on matters, if we could take some type of vote that would indicate what direction the Commission would like to go regarding the 2/3 vote?" Mr. Spitzer responded, "At the conclusion of your discussion, there is a simple majority vote of the entire Commission to place that issue into the decision hopper in June. If there is not a simple majority vote, the issue will not be put on the decision agenda for June. If it is on the decision agenda, that is not the final vote. That simply directs staff to draft language on the issue to come back to the Commission in June. In June, there will be two meetings where the Commission will take fairly final votes, which will require a 2/3 majority vote."

The Chairperson directed the meeting to the remaining issues pertaining to the Board of County Commissioners.

#### **Board of County Commissioners – Vacancy Requirements**

Mr. Spitzer stated that he has had an opportunity to review this matter further, and the issue at best is unclear as to whether or not a charter could provide for an alternative process for filling a vacancy. He suggested that this may be an item the Commission may need to discuss with legal counsel once retained.

Commissioner Ozell Graham stated, "So in effect, we would be wasting our time to address vacancies if it is possible that it may lead to a legal problem." Mr. Spitzer responded, "It depends on the opinion you may get from a qualified lawyer." Mr. Spitzer stated if the Commission feels strongly about the issue, that they may want to consider placing the matter in abeyance, and revisiting it at a later time. However, he encouraged the Commission if they do not feel very strongly about the matter, that they not invest the time and money.

Commissioner Null offered that through the years, the vacancies that have occurred were filled expeditiously by the Governor's office. Because the selective process has worked well in the past, he stated he had no desire to change it. Commissioner Bicknell shared the same sentiments as Commissioner Null, but noted that typically the Governor fills vacancies according to their own party affiliation.

Commissioner Parker stated that the fairest way seems to be that all constitutional officers, and all elected officials be brought under the charter, and when a vacancy occurs, that "the people" choose who they want to fill the position. Commissioner Parker was of the opinion that the people of the county are more qualified than someone outside of the county to fill vacant positions.

Motion by Commissioner Turberville to disregard the discussion regarding vacancies since it is part of general law. Second by Commissioner Graham. The motion carried with twelve members voting in favor of the motion.

#### **Board of County Commissioners – Residency Requirements**

Mr. Spitzer explained that presently, County Commissioners are required to live in their district during their term in office. However, they are not required to live in their district when they qualify as a candidate.

Commissioner Bicknell stated, "Why don't we make this short and simple. If they're going to run in my district, they need to live there."

Motion by Commissioner Bicknell that when qualifying to run for County Commissioner, a candidate must be a resident of that particular district.

Commissioner S. Johnson agreed, and added that he feels the candidate should also have lived in that district for a period of one year prior to qualifying. Commissioner Bicknell amended his motion. Commissioner Graham agreed.

Motion by Commissioner Bicknell that when qualifying to run for county commissioner, the candidate must be a resident of that particular district, and should have lived there for a minimum period of one year. Second by Commissioner S. Johnson.

Commissioner Brown expressed that he would oppose the motion if it has the requirement that a person live in the district one year prior to running for office.

Commissioner Null offered that the County is charged with keeping the population within their district generally equal. If redistricting occurs, a commissioner may find himself suddenly outside of a district he has lived and served in for many years. Therefore, Commissioner Null stated he has a problem with tacking on the additional residency requirement. Commissioner Turberville agreed that a charter should not take away any rights of a voter. Commissioner Coppock was also in agreement and stated that a person who is a resident of a particular district, but has been serving outside of the county, should not have to suffer because of a provision in a charter.

Chairperson Johnson stated that perhaps that might be the type of issue legal counsel will need to address, that the intent could be kept, if this motion were to pass, but to have language that would preserve the concerns expressed

Commissioner Rountree stated that he is in favor of a candidate having a residency requirement that would require candidates to live in the district they will serve. He pointed out that there are two sides to the issue. A voter's side giving the people a choice, and the other side is the right of an individual to seek office. He stated that he does not feel it is appropriate for a Charter Commission to impose a time constraint on how long a person can live in a district prior to seeking office.

Commissioner Terrell referenced a recent state election that left many discontented residents due to a "no residency requirement". Commissioner Terrell was of the opinion that you cannot get to know a district by living there a short period.

Commissioner Coppock stated, "Any time you create restrictions, you make something exclusionary; you exclude people the opportunity. The process of this county is great. We shouldn't sit here and meddle with something that is not broken." He concluded that the motion is going too far with the exclusionary provision, and that people should be given opportunities.

Commissioner Graham responded to Commissioner Coppock's statement, "If nothing was broke, we wouldn't be here. We wouldn't have this charter committee. If we didn't have problems, we wouldn't be here. We're here to make things better and that's what we are trying to do."

Commissioner Brown asked of Kurt Spitzer, "Do you know of any other county that imposes such a requirement?" The response was, "No, and I think I mentioned in my memo to you that Charlotte was the only county that does any sort of length of term prior to qualification, and theirs is six months. I don't know how much longer you could extend that period of time before you bump up against some other constitutional problem."

The chairperson called for a vote. Six members voted in favor of the motion. Eight members voted in opposition to the motion. The motion failed.

Motion by Commissioner Brown to have a residency requirement that requires not only that the candidate be a resident of the district at the time they are elected, but also at the time they qualify. Second by Jim Poole. The motion carried with twelve members voting in favor of the motion.

Commissioner Brown mentioned, as a point of order, "Any of these things that we put in are coming back before the Commission, and have to be approved by 2/3 before it's included the final proposed charter."

### Topics Involving County Commissioners

**Non partisan Elections.** Mr. Spitzer explained that Commissioners are currently elected on a partisan basis, but the charter may provide otherwise. If the Commission elects to consider non partisan elections, there are generally two options. The commissioners may be elected on a non partisan basis without identification of party affiliation, or they may be elected on a non partisan basis, but have party affiliation next to the candidates name on the voting ballot. This will allow a person to vote for either candidate regardless of party affiliation.

Motion by Commissioner Rountree to include in discussions, non partisan elections for Board of County Commissioners similar to that of Duval County, which requires that a candidate declare his party affiliation, but not require a party affiliation to run for office. Second by Commissioner Brown.

Commissioner Parker asked, "Is it possible to include the constitutional officers in this?" Mr. Spitzer responded that it may be considered when the Commission addresses constitutional officers in a few weeks, under the "constitutional officers" section. Chairperson Johnson pointed out that current discussions deal strictly with county commissioners.

The chairperson called for a vote. The motion carried unanimously.

**Term Limits.** According to Mr. Spitzer, if the charter remains silent, there will be no limitations on the number of times that an incumbent may seek reelection. The Commission has the option of imposing term limits in the proposed charter.

Commissioner Bicknell expressed that if the Charter Commission puts term limits on any office, they essentially we have undermined the intelligence of the voters of Columbia County.

Motion by Commissioner Bicknell for the charter to remain silent on term limits. Second by Commissioner Coppock.

Commission Parker expressed that he feels there should be term limits. "Once a person gets into office, whether they are good or bad, you can't get them out of office if they have the right group supporting them. The only way to get them out is term limits."

Commissioner Terrell offered that he is in favor of term limits, especially for the County Commissioners. Because the subject is so debatable, it should be given more time. The Chairperson responded that the subjects being voted on will determine what will be placed on the decision agenda, and an opportunity will be given to vote again. Commissioner Terrell responded, "I feel strongly that it should be placed on the Decision Agenda now."

Mr. Spitzer advised the Commission that at a later time, they may elect to bring something back to the table for discussion by motion. He clarified that if the decision tonight is to remain silent, then the subject will not be added to the agenda at this time and no language will be drafted.

Commissioner Null advised that before the product is finalized any issue may be brought back up during the public hearing process.

Commissioner Terrell disagreed and asked, "Why should something of this importance be brushed aside to simply try to bring it back at a later date?" The Chairperson responded that it is the decision of the Commission, and everyone would have an opportunity to exercise their vote.

The motion carried with twelve members voting in favor of the motion.

**Term Lengths.** Mr. Spitzer reminded the Commission that the length of a term is currently four years. The Charter Commission may provide otherwise. Mr. Spitzer advised that this issue has typically been matched with mixed districting schemes.

Commissioner Bicknell made a motion that the Commission remain silent on term lengths, and carry on with four year terms. Second by Commissioner Null. The motion carried with twelve members voting in favor of the motion.

**Salaries.** According to Mr. Spitzer, the salaries of county commissioners are currently set by state statute. It is a population driven formula that sets the salaries for both the commissioners and the constitutional officers. Six of the seventeen charter counties provide for an alternative system. The other charter counties follow the state schedule. Mr. Spitzer explained that the Charter Commission's options are to include the compensation amount directly into the charter, allow the County Commission to set salaries by ordinance, for the charter remain silent on this subject, or for the proposed charter to provide that the salaries will be established by state law.

Motion by Commissioner Bicknell that the Commission keep and adopt the current practices allowed by state statute for paying the county commissioners. Second by Commissioner Null.

Commissioner Parker disagreed with the motion. "I believe the people of this county should be able to set the salaries for the County Commissioners, not Tallahassee."

Commissioner Graham agreed with Commissioner Parker, and stated, "I feel the people of this county should have some input as to what our county officials earn."

Commissioner Terrell felt that the matter should be left on the agenda for discussion. He expressed that the people of the county should decide what the pay will be. Right now, the people have no choice.

Commissioner S. Johnson expressed that he believes it should be in the hands of the people, because the charter could provided for the people to give the commissioners deserved raises. He offered that he personally feels the county commissioners earn their money, and don't get paid enough for what they do.

Commissioner Bicknell stated that he agrees with Commissioner S. Johnson's statement. He expressed concern, however, that if the Charter Commission begins to meddle with the salaries of the officials, then the old adage of "you get what you pay for" will come true for the county. Further, if the County Commissioners are not getting paid for the job they do based on population, as other county commissioners are paid, our citizens will go from being disgruntled about the Commissioners' salaries, to being disgruntled about their job performance.

Commissioner Parker responded to Commissioner Bicknell's comments stating that he disagreed. He feels the salaries are out of proportion when part time county commissioners' salaries are costing the tax payers over \$46,000 per year, and school teachers with four year degrees are working for \$24,000 per year.

Commissioner Walker expressed that he feels the general attitude is that government employees make too much money. He was of the opinion that the state has a fair and knowledgeable formula for setting salaries. He pointed out that a citizen who is in truly concerned that salaries are too high have the option of speaking with their representative about changing salaries. He cautioned the Commission to be very careful. He was concerned the outcome would be negative if citizens were able to set the salaries.

Commissioner Terrell offered that there are people in the county who work up to sixty hours per week and make nowhere near the amount of money that the part time County Commissioners make.

Commissioner Turberville was of the opinion that it would be best to stay with the established state formula, because it is a fair and workable formula. "Intervening on the pay formula will create the responsibility of having to generate a new formula, and everyone will have their own ideas on how much a commissioner should be paid."

Commissioner Coppock expressed that Commissioner Parker used an excellent analogy comparing a school teacher's pay to a Commissioners. He expressed that teachers should certainly be paid more. Commissioner Coppock expressed concern however, that when "the people" decide on how much to pay, their decision may be connected to their emotions, and how they feel about their County Commissioner. He too felt that it was best to leave the salary setting up to the state, because they are neutral.

Commissioner Walker informed the Commission that he received a facsimile that also went to Governor Ventura (state not provided). The correspondence asked the Governor's opinion on setting the salaries of every elected official in the State of Florida. He expressed concern that there are groups that will get on a power crusade. He cautioned the Commission again to be very careful in its decision.

Commissioner S. Johnson expressed that the Charter Commission has the authority to set the salaries of the County Commissioners. He feels that there are commissioner who don't get paid enough. The salary could be set higher or lower than it is now. He also offered that his County Commissioner is a full time Commissioner as far as he is concerned.

Commissioner Bicknell agreed that teachers deserve more money. However, the Commissioners are called out all hours of the night and day. He asked that everyone keep in mind, "The county has \$17,000,000 in the bank, \$9,000,000 that can be tapped into at any given time in the event of an emergency. I don't see where we're going broke paying these commissioners to do the job they have done."

Commissioner Terrell responded, "If they are so overworked and overfed, let's make it a full time job at the current salary, and let them punch a clock at the end of eight hours. I just think they are way overpaid for what we get in return."

Mr. Spitzer advised that according to the current state formula, the commissioners' salaries probably would not change until Columbia County has grown to about 100,000 people. He added that the formula is not based solely on population categories, but there are also increases that the state legislature gives to state employees that are also provided to county commissioners.

Commissioner Brown offered that he feels the charter has a much greater chance of passing if the charter does not vary far from the current form of government. He encouraged the Commission to put something out that the people would vote for, and then have a review process in two years. At that time the charter can be fine-tuned, and meetings can be held to discuss specific problems.

Commissioner Terrell responded, "Cosmetically speaking, I can't see doctoring this charter up just to throw it out to the people to get it to pass. We should state the facts in the original charter, and then it will be either voted in or out by the people."

Commissioner S. Johnson agreed that the charter should not be “doctored” to get it passed, and for the Charter Commission to do what they want later. “If our intentions right now are to set the salaries of county commissioners, then it should be in it now, not later.”

Commissioner Graham spoke, “Madam Chair, just a reminder, we are here for a purpose. If everything was O.K. we wouldn’t be here. If we’re not here to make some changes, I’ve wasted a lot of time.”

Commissioner Parker stated, “It seems to me, thinking back, when we started out, most of the people on this Board volunteered to serve in order to help improve local government. If we are going to set up here and play around, and argue back and forth about not changing anything, we are wasting our time.” He again expressed that he feels the County Commissioners are overpaid part time workers. He finished by saying that the charter should be drawn up for the people, and not for the politicians.

The chair called for a vote.

The motion was repeated. Motion by Commissioner Bicknell to remain silent on the issue and to follow the statute as to how those offices are paid, which is by a population driven formula. The motion carried with nine members voting in favor of the motion.

At approximately 7:15 p.m. there was a motion by Delton Turberville to move forward with remarks of interested citizens, and table the topic that addresses the Administrative Executive until the next meeting. The motion carried with nine members voting in favor of the motion.

Commissioner Parker offered before going to public input, that most counties having a charter have an office and a secretary for the Charter Commission.

Motion by Commissioner Parker that the Charter Commission open a charter office, and hire a secretary to take care of the records, telephones, to have her provide general information to the public regarding the charter, obtaining information, attend meetings to take minutes, and so on. Second by Commissioner Coppock.

Commissioner Walker asked if Mr. Dale Williams was able to get any help. Mr. Williams responded that he was asked to approach the Clerk of the Circuit Court about obtaining assistance in transcribing minutes. “Our Clerk, DeWitt Cason did consent to getting whatever assistance Sandy Markham, Deputy Clerk felt was necessary, in order to ensure a timely turnaround of the charter minutes.” Mr. Dale Williams agreed that the Commission has a right to hire its own secretary, but informed them that the Clerk’s Office will still be the record custodian of the official minutes.

Commissioner Turberville expressed concern in establishing an office with someone that will be distributing information to the public. Everyone has different ideas on the charter. He felt a commissioner could give information as it is requested. He reminded the Commission that the matter has already been voted on.

Commissioner Weizenecker expressed concern that a position such as that may be possibly used as a political lobbying tool.

Commissioner Coppock offered that he seconded the motion simply to alleviate the workload the Charter Commission has placed on the Clerk's Office. He questioned why a stenographer isn't used since they can create a transcript the same day.

Commissioner Bicknell advised that he would be more inclined to go along with a stenographer than a propaganda office.

Commissioner S. Johnson gave input. He recalled that the matter has been addressed before, and if a stenographer recorded every single word of the meetings, it would be quite lengthy. He asked if the Commission wanted to pay \$500 per night to have the minutes transcribed verbatim. Commissioner Brown advised that the cost of a stenographer would far exceed \$500 per night.

The motion failed with three members voting in favor of the motion.

### **Citizen Input**

Mr. David Willis referenced Mr. Joe Cone's presentation. He advised that he specifically noticed Mr. Cone used the words "I" and "we" when addressing who the roads belong to. Mr. Willis pointed out that the roads belong to the taxpayers, not to the City of Lake City. He was of the opinion that Mr. Cone's verbiage illuminates one of the problems that exist between the general public, and people holding office.

Mr. Willis also addressed establishing a pay schedule for the Board of County Commissioners, and that he feels the citizens are capable of establishing a salary. He asked, "Why are you scared of the citizens setting the pay? What are you afraid of?"

Sheriff Frank Owens addressed the Commission as an interested citizen. He thanked the Commission for their efforts and deliberations. He said, "I'm proud of you, and I'm pleased with what your doing. And whatever the outcome is, I'm sure it will be something that we can be proud of." He extended his wishes that more citizens would go to the meetings so they would have a full comprehension of charter government. He concluded by expressing that everyone would not be pleased with the charter, but at least it will have been a labor of love for the people of this community.

H.L. Sistrunk was encouraged that a few more citizens were present at the meeting. He expressed that the commissioners should be accountable for the tax money, and run the county as if it were a business.

There was a final call for any interested citizen to come forward. There being no one else, the meeting moved on to unfinished business.

### **Unfinished Business**

#### **Publicity and Education Committee.**

Commissioner Coppock made contact with the Lake City Community College Audio Visual Department. The department is waiting on approval from the president of the college to televise public service announcements for the Charter. He also mentioned that the department is interested in hosting a meeting in the college auditorium. The Chair asked if it were possible to have an advertisement concerning the charter meetings on their channel. Commissioner Coppock responded that they will run it if something is prepared.

Commissioner Poole advised that the advertising resources are church bulletins, chamber website posting, the chamber newsletter, other civic organization newsletters. He concluded by saying the language simply needs to be drafted. Mr. Spitzer advised that he now has a list of all of the community organizations in Columbia County and they can be sent regular notices of the upcoming meetings and other information.

It was stressed that all information be released by the Commission and not individuals.

Commissioner Parker suggested a mass mailing to the registered voters. Commissioner Parker stated, "We have a bulk mail out permit that would cut the mailing costs." Mr. Parker suggested a questionnaire be mailed out asking what the people want in a charter.

Motion by Commissioner Turberville to have a public service announcement drafted from the Charter Commission that lists the meeting dates, meeting times and meeting place, and provide it to the Lake City Community College for advertising. Second by Wilton Terrell. The motion carried with fourteen votes in favor of the motion.

Chairperson Johnson advised she has been contacted by organizations who want to hear from the Charter Commission. The Rotary Club and the Altrusa Club will host a joint meeting consisting of approximately 150 people on Thursday of next week. They have invited Chairperson Johnson and Commissioner Brown to speak.

The Chair advised that she spoke with Mr. Spitzer to have him draft an outline that the Commission could have available to them in the event they are asked to speak. She felt that all requests should come before the Commission for approval, and encouraged anyone who may speak at a gathering to present the information in an objective manner.

Chairperson Johnson stated the National Association of Retired Federal Employees has also requested someone speak to their organization. They meet the third Tuesday of each month at Ryans Restaurant. The AARP also needs a speaker for Saturday, May 11<sup>th</sup> and they have requested Commissioner Rountree do the honors. A table talk type of television program on the Lake City Community College channel has requested someone be a part of their discussion on June 17. Commissioner Terrell agreed to speak to the NARFE, Commissioner Rountree will speak to the AARP. The television program will be discussed at the next meeting.

Commissioner Graham asked if the Committee would have an opportunity to review the language being presented to groups prior to it being presented. Mr. Spitzer advised that he has a draft and would like to refine it before mailing it out to the commissioners.

### **Legal Counsel.**

Motion by Commissioner Turberville to obtain Ken Van Assenderp as the Charter Commission Counsel, but subject to rates negotiated by Commissioner Brown. There was a second.

Commissioner Parker asked if anyone had contacted the attorney he recommended (Harry Steward). Mr. Spitzer responded that he was contacted.

Mr. Spitzer offered that he knows all of the recommended attorneys, and they are all very versed on charter government. He gave the Commission a brief summary of their experience.

The Chairperson advised that she had spoken with Gail Cannon, a former Brevard County Charter Review Commission and advised that Attorney Watts assisted their commission and preformed an excellent service.

Commissioner Turberville advised that the reason he selected Mr. Van Assenderp was because he is located in Tallahassee and there would not be a high cost for them to speak over the phone, and other expenses that may come with an attorney who is not nearby. Mr. Spitzer responded that being in the same town for this type of work is not that significant.

There was discussion regarding the competency of each of the attorneys.

The motion and second were withdrawn.

Motion by Commissioner Walker to table the matter until requests for proposals can be sent out. There was a second by Commissioner Poole for discussion.

The motion and the second were withdrawn.

Motion by Commissioner Null to select Attorney Allen Watts as counsel to the Charter Commission. Second by Commissioner Bicknell. The motion carried with fourteen members voting in favor of the motion.

**Website.** Commissioner Null reported that the website is updated with the minutes, agendas and meeting dates regularly. There has been an interest expressed in having a recording to indicate how many times the site has been visited. Commissioner Null reported statistical reports will be generated. Finally, he advised that he is waiting on a proposal from the webmaster regarding the possibility of adding other comprehensive documents, which would require PDF files.

Commissioner Turberville asked how the commissioners could access the emails that are sent to the website. Commissioner Null advised that he would have to provide them. However, there has only been one email sent, and it was simply asking direction to the Property Appraiser's office.

There being no further business, the meeting adjourned at 7:40 P.M.

ATTEST:

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairperson  
Columbia County Charter Commission

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**MARCH 18, 2002**

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- 5:30 P.M.      \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.      \*Commissioner Ronald Williams, District 1
- 5:40 P.M.      \*Commissioner Dewey Weaver, District 2
- 5:45 P.M.      \*Commissioner George Skinner, District 3
- 5:50 P.M.      \*Commissioner Kenneth Witt, District 4
- 5:55 P.M.      \*Commissioner James Montgomery, District 5
- 6:00 P.M.      \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  Topic-Board of County Commissioners:  
                  (1) Discussion of Non-Partisan Elections  
                  (2) Discussion of Term Limits  
                  (3) Discussion of Term Length  
                  (4) Discussion of Salaries  
                  (5) Discussion of Vacancies  
                  (6) Discussion of Residency Requirement
- 7:00 P.M.      \*Remarks of Interested Citizens
- 7:15 P.M.      \*Unfinished Business  
                  \*Report from Commissioner Mike Null on Web Site  
                  \*Report from Commissioner Tom Brown on Federal Court Order  
                  \*Report from Committee on Publicity/Education
- 7:30 P.M.      \*Adjourn

# Columbia County Charter Commission

March 18, 2002  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Tom Brown opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## ROLE

Deputy Clerk Sandy Markham took roll call.

Commissioners Present:

Wilton Terrell, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Mario Coppock, Ozell Graham, Edsel Parker, Tom Brown, David Rountree, Delton Turberville, Seeber Johnson, Emory Bailey and Mike Null.

Commissioners Absent:

James Poole and Rick Bicknell.

## MINUTES

There were no minutes to be approved.

## GUEST SPEAKERS

The guest speakers for the evening were the Columbia County Board of County Commissioners. Chairperson Leandra Johnson advised she had asked each member to give approximately a five minute presentation.

County Commissioner Ronald Williams:

County Commissioner Ron Williams thanked the Charter Commission for the job they are doing. He acknowledged that regardless of how the Charter Commission feels after doing all of their research, they are charged with developing a charter to submit to the citizens for a vote. He opened by saying, "If you have done what you have been asked to do by the charter, you have found that Columbia County is one of the most

financially sound and sovereign counties in the State of Florida, especially compared to charter counties.” He advised that Columbia County, just four years ago was ranked as the 59<sup>th</sup> fastest growing county in the United States of America. He was of the opinion that the excellent financial status of the county as fast as it is growing is an indication that there is solid and sound leadership in our current county government. He assured all that when it comes to voting on issues pertaining to the best interest of the county, he votes his conviction as to what is best for the county. “It’d be easy to cast your vote depending on your emotions, or vote with those special interest groups being the most demanding, but I don’t.” He explained his charge is to look at Columbia County as a whole, and not at the desires of special interest groups.

A perfect example of voting a conviction, although unpopular, was the solid waste issue. He explained that the Board of County Commissioners saw fit, and found it to be in the best interest of the county, to move from the unsightly large green dumpsters, to curbside pickup. Although an unpopular vote, it was still a vote for the best interest of the county. “Today Charter Commission, it’s cheaper today, to run curbside pickup, than it was eight to ten years ago to use the big green boxes. Plus, the rate for curbside pickup has not gone up since it’s inception eight to ten years ago.” He pointed out that leaders in the community do not look for the easy way out, but look at the best interest of the county. Columbia County is the only county that has been able to retire the debt by initiating a tipping fee. We are the only county making money at the landfill, which allows Columbia County to be able to open and close a land fill without having to borrow money. He contended that the commissioners of Columbia County have done an excellent job.

Another example used was the gas tax. He was of the opinion that the Commission voted for the tax based on needs of the majority in the community and what’s best for the county, not the handful of people sitting in the audience at the County Commission meetings yelling “no”. Instead the Commissioner considered the other 50-60,000 citizens who were not present. He reiterated that a “good” commissioner never takes the easy way out. He explained that many people say that the county spends too much money on recreation, while others say we don’t spend enough. He stated his personal belief is that more recreation is needed, and that he stands by his votes regarding recreation. “It takes guts to stand up and vote for what isn’t popular with a small group, but in the long run, it works.”

He referenced the comments made by special interest groups that are promoting charter government with enhanced industrial development. He invited those groups to produce documentation that proves to the citizens, that this is beneficial. “The same people promoting this is the same group that criticized the Board of County Commissioners for giving Service Zone an incentive package.” He told those in attendance that there is a sign in Georgia that says, “The best way to do business in Florida is in South Georgia.” He advised Georgia has a one cent tax that goes into economic development, which gives them financial resources to bargain with industries looking to locate in their area. Columbia County tried to negotiate with Winn Dixie to locate in Columbia County, but they chose to go to Georgia. The Board negotiated

competitively, but Georgia's Workman's Compensation rates were more appealing to Winn Dixie than Florida's Workman's Compensation. Unfortunately, the Board has no control over those type of rates, nor does the County Commissioners control the strict Florida environmental protection laws that Winn Dixie was facing in Florida. He pointed out there is more to the equations than appears.

Ocala has over three million dollars in economic development, but they have the tax money to support it, because people pay the large taxes. Commissioner Williams agreed that more industry is needed, but stated it takes raising the revenue taxes to do that. Those wanting industry are the very ones complaining about the taxes.

Many have said that being a county commissioner is a part-time job. Commissioner Williams contended that it's a full time job for an effective commissioner. "I spend more time on county business than I do at Ron Williams Construction."

Regarding term limits, Commissioner Ronald Williams stated, "Longevity makes for good government." He was of the opinion that one of the main problems with the legislative branch in Tallahassee is term limits because legislatures are not able to stay long enough to get experience and make a difference. "It takes four years for a county commissioner to finally begin to figure out what's going on. Term limits will only keep uneducated commissioners in office." He stated in a sense, we now have term limits. You will be voted out when you are no longer wanted. The citizens will keep you as a commission as long as they want you, and get rid of you when they don't want you. Commissioner Ronald Williams feels he has been the most effective, and the best commissioner District I has ever had. He feels strongly that setting term limits would have a negative impact on the county. He offered that it should not change to term limits simply because special interest groups don't like a commissioner because they can't control him. In closing, he asked the Charter Commission to consider the stability and financial soundness of Columbia County, and then ask themselves why we are stable and financially sound, and to ask themselves what's going on. He contended "what's going on" is that there is a small group that are angry because they can't control the commissioners, and have set out to get rid of them.

County Commissioner Dewey Weaver:

Commissioner Dewey Weaver extended his thanks for the job the Charter Commission is doing and for their time and dedication to serve.

Commissioner Dewey Weaver explained that Commissioner Ronald Williams was able to speak on a historical basis, but that he would speak to the Charter Commission on current matters to be considered by the Charter Commission.

Regarding term limits, Commissioner Dewey Weaver explained he was once an avid supporter of term limits, but is no longer. He explained that when he sees the harm that is done by term limits with the state legislature, he is convinced term limits is not a good idea. North Florida has been especially hurt by term limits, because North Florida has no legislative experience or power. The previous legislators were long term and

knew the process. They were chairmen of influential committees. However, term limits has changed that and there is no political power in Tallahassee. Because of term limits, identical projects that are funded in South Florida are not funded in North Florida. There is now a situation where the state legislature looks to counties as a revenue source. They pass along state programs for the county to fund, which drastically harms small counties. Again, that comes from decisions being made by people with no experience.

Commissioner Dewey Weaver compared his district, which has historically changed commissioners regularly, and pointed out that one of the main reasons his district trails other districts in almost every category is because there is never years of experience on the County Commission. He pointed out that there is no school, or formal training a commissioner can take to prepare for the job. Everything that makes a good district comes with time and experience. He agreed that as a general rule, a commissioner is ineffective their first two years on the Board. Also, he added that by setting terms, a citizen is denied the right to vote for someone that they continue to be satisfied with. The current system obviously works well, as evidenced by the last two elections, which resulted in three new commissioners.

Regarding Salaries, Commission Weaver stated that whatever the Charter Commission decides, that he simply asks that they be fair. He indicated that many people say that a commissioner gets paid an outrageous salary for attending two meetings a month. Commissioner Weaver noted that last year, he attended forty-two joint meetings of the Board, twelve meetings with the Town of Ft. White, several constituents' meetings, civic meetings and meetings with other governmental representatives. He reminded the Charter Commission that for each member to seek office requires their personal funds and a significant amount of time. He expressed concern that cutting the salaries would force local elected officials to seek outside funding. He pointed out cutting his salary would not only affect him, but would hurt the people of his district. "You will hurt the young people in my district, because I will no longer be able to set up a scholarship with my salary. You will hurt the small rural churches you may never have heard of. Those churches are also able to benefit from my salary because I've given over \$10,000 of my salary over the past four years. You hurt the civic organizations in Fort White, where there is no large resources to draw from. I also help the youth groups in my district. So, you don't hurt me, personally, by reducing my salary. I still have a good job, but you will hurt the people of my district."

County Commissioner George Skinner:

Commissioner George Skinner also thanked the Charter Commission for their time and efforts. He opened by saying, "You will never have an absolutely 'perfect' government, because there are no 'perfect' people, because as long as we are human, we will have shortcomings. But, if you listen to the voice of the people, be a good steward of the tax dollars, and try to run the county government like you would your own household, you will have a pretty good government." He also encouraged the Charter Commission to compare Columbia County to any other county in the state of Florida, and assured them, that they would find Columbia County is one of the best. He closed by

promising to be a good County Commissioner and a faithful servant of those who put him in office.

County Commissioner Kenneth Witt:

Commissioner Kenneth Witt thanked everyone on the Charter Commission for their service and asked that they create something that is fair and workable for the entire county.

Regarding term limits, Commissioner Witt advised that he has researched term limits and explained that though once a term limit supporter, he now believes term limits hurt a county. He agreed that first term commissioners are learners and voting in term limits will keep inexperienced people in office.

On the issue of nonpartisan elections, Commissioner Kenneth Witt indicated that nonpartisan elections would be much more cost efficient for the county.

As to salaries, Commissioner Witt asked that the salaries be set so that qualified people will run for the offices. He promised there are more hours in the job of a County Commissioner than two meetings per month. He offered there are many hours of the night and day he is called out to assist, and many times it involves matters unrelated to a commissioner's job, but, he explained that commissioners must do whatever it takes to help his people.

Regarding residency, Commissioner Witt stated he is of the opinion that a person should be required to live in the district they represent.

He closed by stating Columbia County is financially sound, and he would like to see more money put into economic development.

County Commissioner James Montgomery:

Commissioner Montgomery expressed appreciation for the Charter Commission's service.

He expressed his hopes that when the charter is developed, it will not change much about the county. "I ask myself, what would I change, if I could change something in relation to what we have? Columbia County is financially sound. We have one of the greatest recreation facilities of any county in the Southeastern United States, and it's because the City and the County have been able to work together. I don't think you will be able to find anywhere, where three governmental bodies (County Commission, City Council and School Board) work together as well as we do in Columbia County." He expanded by saying the three entities meet regularly for the good of the county and work very effectively together. He asked of the Charter Commission, "Do you want to change this? What is it that you want to change?"

Regarding salaries and term limits, Commissioner Montgomery asked that it be kept in mind that we no longer live in the 1950's. He was of the opinion that whereas

years ago it was possible to have a few volunteers to serve on a board, to make a few decisions now and then, it's not possible today. This is primarily because county government is much more complex now and requires many hours of attention.

He closed by cautioning the Charter Commission to, "Be very careful as to what you change, because we have something good in Columbia County."

### **Questions/Discussion**

The Chair opened the floor to the Charter Commissioners to ask questions of the County Commissioners.

Charter Commissioner Ozell Graham asked the County Commission what was being done to encourage economic growth in Columbia County. County Commissioner Ronald Williams responded that one of the things that has been done, and is continuing to be done, is that when a company is interested in locating in Columbia County, they meet the company to discuss what Columbia County has to offer. Normally, they want to know if the County has benefits, such as tax abatement, and water and sewer. Generally, these two things can be made available. Commissioner Ronald Williams advised that a diligent effort is being made to put in additional utilities, such as the twelve inch main being put in now, that should circle Lake City. He added that the Industrial Development Director, Jim Poole, responds to all requests showing interest in locating in Columbia County and he sends videos. If the County hears "scuttlebutt" that a company may be looking for a place to locate, or relocate, the Director will contact them to introduce Columbia County.

Charter Commissioner Ozell Graham offered that it appears to him that Columbia County is reactive, rather than proactive to bring in industry. He asked, "We don't have a group that is wining and dining the major companies in an attempt to bring them here?" County Commissioner Ronald Williams responded, "Yes. We are proactive. We go to the companies. We don't wait on them to knock on the door." Commissioner James Montgomery added that the soliciting and enticing of companies is primarily left to the Development Council, because too many hands in a negotiation will cause problems.

Charter Commissioner Wilton Terrell asked how much money is allocated to the Industrial Committee annually, and how many jobs have they actually brought in? County Commissioner Ronald Williams responded that very little money is allocated annually to the Industrial Development Authority, because to do so would require an increase in the millage rate. He pointed out the millage rate has been raised one time since 1984. However, five hundred jobs were brought in when Service Zone located in this county.

Charter Commissioner Wilton Terrell commended the county for locating Service Zone, but asked if the county realizes Wal-Mart was building just north of Ocala on 326, and if the Board of County Commissioners realizes that Winn Dixie elected to not come to Columbia County and instead, located in Douglas, Georgia. He also mentioned Publix

and Mercedes slipped by Columbia County. County Commissioner Ronald Williams responded that the County pursued Mercedes and offered them incentives, but Columbia County could not compete when the legislature of Alabama stepped in and funded Mercedes Benz billions of dollars to locate. He added that despite the County's efforts, the State of Florida would not even consider looking at the Mercedes Project. He pointed out that many times, it goes farther than the Board of County Commissioners, when legislatures step up to the plate. Understandably, Winn Dixie went to Georgia, because it's cheaper. Ocala, as explained before, has a large industry tax that give them more bargaining power. Commissioner Wilton Terrell also commended the Board of County County Commission for turning away Sikes.

Charter Commissioner Mario Coppock asked County Commissioner Ronald Williams and County Commissioner James Montgomery how many terms they had held office, and how many times they have run unopposed. County Commissioner Ronald Williams responded that he has served four and one half terms and has run unopposed once. County Commissioner James Montgomery responded that he has served twenty-eight years at the end of his current term, and has never run unopposed.

Charter Commissioner Mike Null asked County Commissioner James Montgomery if he has ever seen any partisan issue that had to be dealt with, specifically where major affiliations may have played a role in decision making, or influence in any type of decision that came before the Board of County Commissioners. The response was "no". County Commissioner James Montgomery added that he is in favor of non-partisan elections.

Charter Commissioner Ed Parker offered as an informational item, that three of the County Commissioners who were once for term limits, suddenly, tonight, changed their minds. County Commissioners, Kenneth Witt, George Skinner and Dewey Weaver expressed that they once believed term limits were a better choice. However, since conducting more research, they no longer believe term limits to be the best for the county. There was mention that a constant turnover in commissioners many times will result in a group of commissioners who are not independent thinkers, simply because they do not have the needed experience to be independent thinkers. Charter Commissioner Ed Parker added that in his opinion, the County Commissioners are overpaid for what they do. He recalled in years past that Commissioners served voluntarily and did a good job. Regarding the solid waste fees, he expressed that that the solid waste program should pay for itself because when enacted eight years ago the price was double the cost of the green boxes. Further, Mr. Parker added that Columbia County has the highest garbage rate in the State of Florida.

Charter Commissioner Seeber Johnson asked if the Board of County Commissioners feels a three term limit would be an acceptable term. He personally feels a commissioner should not get in office and be there from then on. He expressed that three terms would give a commissioner four years to learn the job, and eight years to get the job done. County Commissioner Ronald Williams responded that a charter shouldn't dictate how long a district is allowed to keep their commissioner and it should be left up

to the people he represents, not a charter. County Commissioner Dewey Weaver mentioned again that the election process works. He pointed out as an example, the districts of Commissioner Ronald Williams and Commissioner James Montgomery, which continue to re-elect their commissioners, while the district he (Commissioner Weaver) serves has elected different commissioners in each election in recent years.

Regarding the salary issues, Charter Commissioner Seeber Johnson asked the County Commissioners, "Do you believe your raises should come from Tallahassee or the people of Columbia County? Also, do you think you should get a higher raise than the employees of Columbia County?" Overall, the response indicated that the county commissioners feel they deserve their salary for working all hours of the night and day, the verbal abuse, the calls in the middle of the night and the assistance a commissioner gives to the constituents with unrelated county matters. County Commissioner Ronald Williams said, "We realize all of this comes with the job, and we took on the responsibility for the pay." He concluded that he personally feels the raises should continue per the statutory formula. County Commissioner Dewey Weaver advised that if anyone cared to check, they would find out that county employees received a higher percentage raise than the Board of County Commission members. Also, he stated that the County makes every effort to be fair with raises to their employees.

Charter Commissioner Dave Rountree asked County Commissioners Dewey Weaver and James Montgomery how they would summarize the working relationship between the County Coordinator and the County Commissioners. County Commissioner James Montgomery felt the two shared an excellent working relationship. He stated that the Board is very fortunate to have someone like Mr. Dale Williams serve in this position, and feels his position should be County Administrator instead of County Coordinator. County Commissioner Dewey Weaver agreed, and added that Mr. Dale Williams is under contract, and that his raises are based on individual assessment of each member of the Board. He added he also feels the relationship between the two works extremely well and is pleased they are able to have different opinions and ideas and still work together for the good of the county. County Commissioner Dewey Weaver stated that Mr. Dale Williams is always cognizant of the fact he works for the Board and the people of Columbia County. Finally, he voiced his appreciation for the time and effort Mr. Dale Williams puts into researching and producing all facts to be considered by the Board.

Charter Commissioner Dave Rountree asked County Commissioner Dewey Weaver if he feels the Coordinator's position should change to that of an Administrator. County Commissioner Dewey Weaver responded, "I would not be opposed to the setup at all. I think that all department heads should report to the County Administrator."

Charter Commissioner Delton Turberville stated it is his understanding that due to term limits, there is only one commissioner on the Board of County Commissioners in Suwannee County that has any longevity on the Board. He expressed concern that Suwannee County is on the verge of financial collapse and there is no significant amount

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LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
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LAKE CITY, FLORIDA 32055**

**AGENDA**

**February 27, 2002**

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- 5:30 P.M.     \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.     \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  (1) Overview of Charter Government  
                  (2) Discussion of Possible Options for Inclusion in Charter  
                  (3) Discussion of Time Line for Charter Commission
- 7:00 P.M.     \*Remarks of Interested Citizens
- 7:15 P.M.     \*Unfinished Business
- 7:25 P.M.     \*Establish Next Meeting Date/Location  
                  \*Adjourn

# Columbia County Charter Commission

February 27

5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner. Ray Walker opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

Roll:

Deputy Clerk Sandy Markham took **roll call**.

Members Present - Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Mario Coppock, Ozell Graham, Tom Brown, David Rountree, Seeber Johnson, Mike Null and Rick Bucknell.

Members Absent - Delton Turberville and Edsel Parker.

Guest:

Kurt Spitzer, the consultant for the Charter Commission, opened by stating that his presentation would deal with timelines, issues pertaining to home rule, charter government, how to change service delivery mechanisms and how charters can be used to improve efficiencies and effectiveness in county governments.

A summary of his presentation: There are 17 charters in Florida. His personal opinion is that each charter embodies a small amount of politics and policies. Often, charters are controversial and difficult to pass, but feels the best idea for government in Columbia County may have to be tempered with political realities.

Fundamental concept in charter government is Dillon's Rule vs. Home Rule. Dillon's Rule is named after an important court decision that questioned the authority of local government. Judge Dillon ruled that a local government had only those powers specifically granted to it by the state, and any other powers that were necessarily incidental to the specifically granted powers. Absent specific authority, under Dillon's Rule for local governments are presumed to be powerless to act. Prior to the 1968 constitutional revision in Florida, no local governments in the State had home rule powers. Home rule presumes that a

local government has all powers of self-government except those specifically prohibited by the legislature, or preempted by general law, or the constitution. In the early 1970's the Florida Legislature passed significant changes to F.S. 125 authorizing significant home rule powers to all non-charter governments. Charter counties were granted home rule directly blocked by the Florida Constitution and enjoy all powers of self-government that is not inconsistent with general law, or special law approved by the electorate. Every local government (charter & non-charter) in Florida enjoys a significant amount of home rule powers.

Mr. Spitzer reviewed sections of the Constitution, which he believes reflects the differences between charter and non-charter counties. The county government may be established by charter, which shall be adopted, amended or repealed only by a vote of the electors of the county. A charter cannot be amended by a board of county commission, by the legislature or a county administrator. Regarding constitutional officers, he noted that the constitution provides for five independently elected county officers, except when provided by county charter. Any county officer may be chosen in another manner therein specified, or a county office may be abolished when all of the duties of the office prescribed by general law are transferred to another office. The five offices are: Sheriff, Tax Collector, Clerk of Courts, Property Appraiser and Supervisor of Elections. The legislative body of the county government provides that every county commission will be composed of a collegial body of five or seven elected officials, unless otherwise provided by a charter. The charter may also change terms of office, or provide for alternative districting schemes such as single member districts, at-large districts, or some combination thereof. In charter counties, a charter may provide which types of ordinances prevail. Mr. Spitzer noted that typically, in certain policy areas, the county government is authorized to adopt ordinances that are effective countywide (even in city limits).

Mr. Spitzer feels a charter can be categorized into three or four primary divisions. They are the legislative branch (county commission), executive branch (county administrator), county and constitutional officers, city/county relations, and finally, the powers reserved to the people.

The election default system of the county commissioners and constitutional officers is that they are elected on a partisan basis, but the charter can provide that they are elected on a non-partisan basis. The commissioner's four year term of office with no limit on times a commissioner may be elected consecutively can be changed by the charter. The charter could create a provision to determine who would be the executive branch of the government, which is normally an appointed administrator. Also, the executive branch may be an elected official.

If there is an appointed administrator, and there is a specifically identified executive branch in the charter, the policies of hiring and terminating an administrator would have to be reviewed, as would the qualifications of the administrator. Mr. Spitzer mentioned the

charter may want to consider whether or not to insert a non-interference clause, which would attempt to ensure a greater separation between the legislative policy making duties from the administrative executive functions of the county administrator, and prohibit the county commission from giving instructions to subordinates of the county administrator.

There are numerous options that could be considered relating to the “duties” of the elected constitutional officers. One option is to do nothing at all, which is the normal. The alternative is to provide that the positions are appointed in some fashion. The Miami Dade charter has abolished all of the elected constitutional officers and replaced them with appointed positions. Charters in other counties have abolished some of the positions and transferred their duties to other appointed positions created in the charter. Mr. Spitzer felt a compromise between no change and appointed positions would be to abolish the independently elected constitutional officers’ positions, and transfer their duties to an elected charter officer position. This would allow for the people to choose who they want in that position, but provide that the holder of the office is subject to uniform administrative procedures that all department heads must follow within the county. Policy questions regarding budget approval would also have to be considered.

Mr. Spitzer inquired as to what extent there is administrative capacity existing at the county commission if the charter wanted to make change, as relates to the constitutional officers. He asked if there was administrative capacity to assume some of the existing responsibilities. If there is, then one of the arguments for having one of these offices become a charter office, whether elected or appointed, is that there is the ability to have the office subscribe to uniform support services, such as personnel, purchasing, risk management, fleet management and facilities management. Other issues pertaining to the county officers were discussed.

Salaries, Recall and Nonpartisan Elections. The salaries are set by statutorily determined formulas, which are generally a population driven formula. Non-charter counties follow the formula and most charter counties do the same. However, the charter can provide otherwise. If a charter is adopted, the county commission will be subject to recall. A charter cannot provide otherwise. A charter may provide that county officers are subject to recall and elected on a nonpartisan basis.

City/County Relations: Most charters make no change in terms of practice in this area. To the extent of a conflict between a city and county ordinance, the city ordinance would prevail inside the city limits. However, a charter may grant to the county commission the ability to have the county ordinances prevail over those of the city ordinances. When the county is granted the ability to set such a policy, only a single, countywide vote of the electorate is needed.

Transfer of Programs/Functional Consolidation: Mr. Spitzer explained that when moving people or assets from one jurisdiction to another this requires a dual positive vote. The vote occurs during the same time, during the same election. The amendment has to be adopted countywide, but it also has to pass inside the city limits. He noted that Dade and Broward counties have provisions in their charters to transfer a program from a municipality to the county.

Citizen Initiative: Many charters provide that citizens have a process whereby ordinances can be proposed and adopted by petition. There are policy questions as to whether or not a county would want to include this. An example is that the commission will want to discuss whether or not a provision for citizens to propose ordinances, and have them adopted by petition should be included. Some argue that the adoption of county ordinances should be reserved for the county legislative body. There may or may not be a provision to revise, repeal or amend the ordinances.

Charter Amendment Process: There are four ways charter amendments may be proposed to the charter. One is by a special act passed by legislative delegation. However, the three most common are by ordinance of the county commission, by citizen petition and last, by a charter review commission.

Charter Review Commission: Most, but not all charters, have a provision for review. The policy questions generally such things as who appoints them, how often do they meet, who can serve and how soon after adoption should the review commission meet.

Charter Amendment Ordinances: Proposed amendment to the charter may embrace only one single subject. This is to avoid matching two different issues together in one amendment.

Membership Composition of the Charter Review Commission: Consideration should be given as to whether or not to make the Review Commission independent, or advisory. Most are independent.

#### **Comments from a brief period of questions and answers**

-All county attorneys in the state of Florida are hired and fired by the county commissions. Columbia County, where the county attorney is elected, is the only exception to this.

-Constitutional officers whose positions remain elected positions (even if elected charter officers) have remained unchanged in the seventeen charter counties in the state. However, Mr. Spitzer noted that there is petition drive underway in Polk County to amend the charter to make some changes in that particular area.

-It was mentioned to Mr. Spitzer that it would be beneficial to find out the basic operations of the county in order to give advice to the commission. He agreed.

-The Board should begin to identify soon, the issues they would like to discuss in greater detail, in future meetings.

-Four charter counties have combined or centralized support services such as purchasing agencies and motor pools. They are Dade, Duval, Volusia, and Broward counties.

-There is case law that has upheld charter provisions that included the school board positions of superintendent of schools and school board members and made those positions elected on a nonpartisan basis. This was prior to 1998. This, however, is an exception to the general rule, because the charter is designed for general purposes for local government.

-County offices that are made charter offices will not automatically fall under the county's budget. The Property Appraiser's budget cannot fall under the county's budget. All charters must be consistent with general law and with the Florida Constitution. General law is clear that the Property Appraiser has a very specific budget approval process. Offices that lose their independent constitutional status could have their budget approved by the county commission.

-With a charter government, some constitutional offices may continue to operate with no change, while others may be pulled under the charter.

-The more controversial the charter, the more difficult it is to pass. The more the charter deviates from the current practice in a county, the more likely it is to become harder to pass.

-As far as Mr. Spitzer knows, there has been no analysis that has been done to determine how many counties have attempted to go to a charter and failed.

-It would be very difficult to determine scientifically, why a charter was attempted in a county and failed, because the answers would be largely speculative.

-The charter may or may not be enacted at the time it passes. Typically, if it passes in November, it will become effective the following January 1.

-Charter Review Commissions have a four, six or eight year cycles that may be required to be constituted. They generally meet every eighteen months, but they get appointed every four years or so.

-It is preferred that the entire proposed charter be completely drafted and put in final form before presenting.

-After the charter is in final form, it is possible to have the information placed in a local newspaper. There are strict regulations, but it's possible.

-A public education effort may be initiated once the charter is handed off to the county commission.

-It's an expensive undertaking, but probably worthwhile to conduct some type of study/poll to determine what the public would like to see in a charter. A scientifically valid response will produce needed information, but would cost Columbia County in the area of \$12,000. There was mention that the community college may be interested in assisting with this type of project with student training in that field.

-An extremely competent member of the Florida Bar should be retained to review the final charter product before placing it on the ballot for adoption. Mr. Spitzer stressed that there are only a few people who specialize in the charter government field in Florida. He can provide a list of attorneys who could assist.

-Changes to the final proposed charter product can be made after having held the required public hearings.

#### A Timeline

Mr. Spitzer proposed a timeline to the Commission. A matrix designed to help facilitate discussion on possible issues to consider was also provided to the commissioners. See attached documents.

Following the timeline, the final charter product will be turned over to the Board of County Commissioners the second week of August. Adhering to this schedule will require a meeting of the Charter Commission twice a month. Once received by the County Commission, the charter must be put to ballot in not less than forty-five days, but not more than ninety days per F.S. 125.

Commissioner Tom Brown asked Kurt Spitzer to confirm that the proposed charter should be drafted and reviewed by legal counsel before the second meeting in June. Spitzer confirmed that this was correct. He is of the opinion, based upon his experience, that the Charter Commission can reasonably accomplish all that needs to be accomplished within the next seven meetings.

### Next Meeting Dates

Motion by Commissioner Dave Rountree to change the date of the next scheduled meeting and set for the next four months two meetings per month on the second and fourth Thursday of each month was seconded by Commissioner Seeber Johnson. There was discussion. Mr. Rountree withdrew his motion.

A straw vote was taken of the commissioners to decide which meeting date would be most convenient. The vote indicated that Monday would be the best day for the majority of the commissioners.

Motion by Commissioner Walker to meet on the second and fourth Monday of each month was seconded by Commissioner Rick Bicknell. The motion carried with 12 members voting in favor of the motion.

Motion by Commissioner Rountree to set the meeting time for 5:30 P.M. on the second Monday meeting of the month, and to meet at 7:00 P.M. on the fourth Monday of the month was seconded by Commissioner Mario Coppock for discussion.

The Commission discussed times in more depth. Commissioner Delton Turberville was of the opinion that the Commission was at a point in their meetings, that public input should be limited, and once the final product is put together, input could be received from the public at the public hearings, and possible changes be considered then. Commissioner Seeber Johnson agreed. He felt the same people got up at each meeting and said the same things over. He concurred with Commissioner Delton Turberville that public hearings are required for the purpose of hearing the public.

The Chair called for a vote. The motion failed.

Motion by Commissioner Ray Walker to continue meeting at the original time of 5:30 P.M., and to continue meeting in the courthouse was seconded by Commissioner Rick Bicknell. The motion carried.

Motion by Commissioner Tom Brown to change the May 27th meeting date to May 28th at 5:30 in the courtroom due to the Memorial Day holiday was seconded by Commissioner Wilton Terrell. The motion carried.

Motion by Commissioner Ray Walker to change the March 25th meeting date to March 18<sup>th</sup> due to the Columbia County schools being on spring break was seconded by Commissioner Delton Turberville. The motion carried unanimously.

Mr. Spitzer asked that the Board be prepared on the 11th of March to know what items they would like to consider as part of their discussion (not for final decisions).

The Poll/Survey of Polk County - Commissioner Tom Brown asked Mr. Spitzer to make the results of the Polk County survey available to the Commission before the next meeting. Mr. Spitzer agreed to try to reduce the survey down by the next meeting.

Public Input - Mr. David Willis feels the survey may be helpful, but questioned who would generate the questions to be asked. He criticized the Commission for wanting to limit public input. He also suggested the question of hiring temporary staff to assist the charter should be readdressed.

The Chair called for additional input. There being none, the Commission moved on to unfinished business.

Unfinished Business

Commissioner Mike Null advised that he met with the consultant regarding the web site and they were able to identify a few areas that needed a small amount of attention so that the site would be more informative and user friendly. Mr. Null submitted a cost proposal to the Charter Commissioners in the amount of \$475 to pay for the needed modifications to the site in order to make it more user friendly. One area is to have all future meeting dates posted on the site. Mr. Null stated that the Board's action tonight in establishing future meeting dates will be helpful. They should all be posted by the next meeting. He noted that the proposed charter will also be reflected on the website.

Motion by Commissioner Mike Null to approve the proposal as presented to make website modifications was seconded by Commissioner Seeber Johnson. The motion carried unanimously.

Commissioner Tom Brown commended the Commission on the progress made in this meeting.

Adjournment

There being no further business, the meeting adjourned at 7:40 P.M.

ATTEST:  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairperson  
Columbia County Charter Commission

\_\_\_\_\_  
P. DeWitt Cason

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**AGENDA**

**February 19, 2002**

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- 5:30 P.M.      \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.      \*Mr. P. DeWitt Cason  
                  Clerk of Circuit Courts
- 5:50 P.M.      \*Mr. Doyle Crews  
                  Property Appraiser
- 6:05 P.M.      \*Mrs. Carolyn Kirby  
                  Supervisor of Elections
- 6:20 P.M.      \*Mr. H. Ray Walker  
                  Tax Collector
- 6:35 P.M.      \*Mr. Frank Owens  
                  Sheriff
- 6:50 P.M.      \*Remarks of Interested Citizens  
                  (1) Mr. Carl Strang (5 minutes)
- 7:05 P.M.      \*Unfinished Business  
                  (1) Small County Technical Assistance Services – Financial Assistance  
                  for Securing a Consultant  
                  (2) Web Site
- 7:15 P.M.      \*Establish Next Meeting Date/Location  
                  \*Adjourn

# Columbia County Charter Commission

February 19, 2002  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

**Members Present:** Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Coppock, Ozell Graham, and Tom Brown.

**Members Absent:** Rick Bicknell was not able to attend the meeting due to a prior engagement.

The meeting opened with prayer, and the Pledge of Allegiance to the American Flag followed.

*Roll Call:*

Sandy Markham, Deputy Clerk for P. DeWitt Cason took **roll call**.

*Minutes:*

Leandra Johnson called for proposed amendments to the January Commission Minutes. Jim Poole directed the Chairs attention to page six of the minutes. He requested the following corrections:

1. The minutes define CTTF as Transportation Trust Fund. He asked that the minutes define the acronym as "County" Transportation Trust Fund.
2. Tab #33 begins with, "The initial one penny of the Tourist Development Tax... Poole advised that the wording, "one penny" should be changed to "two cents". Dale Williams responded that the minutes reflected his misstatement, but agreed with Poole, that the change should be made.
3. In the "Other" section, Ray Walker suggested that Smith's "character" be looked in to, instead of "charter".

Motion by Jim Poole to approve the minutes with the noted corrections.

Second by Delton Turberville. The motion carried.

The clerk agreed with the changes. The original minutes will reflect the changes.

*Clerk's Note:*

Mario Coppock joined the meeting at 5:40 P.M.

Guest Speakers:

The following Constitutional Officers were invited to the Charter meeting to give a brief overview of the functions of their offices: Clerk of the Courts - DeWitt Cason, Property Appraiser – Doyle Crews, Supervisor of Elections – Carolyn Kirby, Tax Collector – Ray Walker and Sheriff – Frank Owens. The presentations lasted approximately fifteen minutes each. Written materials were provided. Several of the constitutional officers expressed appreciation for the time and dedication of each commissioner. The presentations ended with a brief question and answer session. A copy of the constitutional officers' presentations are available at the Clerks Office.

Citizen Input

The Chair announced that Dewey Smith requested that he be allowed to have someone speak on his behalf regarding a comment made by one of the members of the commission at the previous meeting.

Wayne Steinard, President of Citizens for Truth in Government Association spoke on his behalf. He stated the organizations mission is to gather facts about government, publish the facts, and when necessary litigate. He advised that the organization's lawyer is Phillip Koon, who is also an ordained minister, and a thirty-seven year human rights advocate. He invited the commission to join them on a moral high-ground of fair play. Mr. Steinard stated that his purpose for speaking was to address the disparaging remarks made by a Commissioner Walker at the January 2002 meeting. According to the video tape recording of the meeting, he was of the opinion that Mr. Walker attacked an innocent citizen. He advised that because of this injury, the innocent citizen continues to suffer. Steinard stated that Mr. Walker said, *"If anyone would check the police and Polk County Sheriff Department records, they would learn things about the injured party, and that they would learn that he is not lilly white."* According to Steinard, there were also remarks as to whether or not the injured party had ever read the Bible. Per Steinard, the injured party has been a victim of character assigation attempts. He mentioned Ed Parker speaking in defense of the injured party and stated that the records of Polk County have been thoroughly checked and that the injured party has never been convicted of a crime. He submitted twelve hundred pages of documentation to show that Mr. Smith was a victim in his county of character assassination due to his activism against corrupt government. Per Steinard, the documents include, but are not limited to results of a FDLE check and a record search of the Polk County. He boasted that the injured party may have done more for human rights than any other person in the State of Florida. Further, to thousands of Polk County Citizens, the injured party is considered peace time hero and is held in higher esteem than most state governors, senators and representatives. He advised that the remarks were not true or fair. Nor would the remarks build goodwill and friendship, or be beneficial. Steinard closed by referencing a no arrest investigation seventeen years ago. He invited Ray Walker to reveal the investigation. Ray Walker responded, "I didn't ever say the man was convicted."

Other Citizen Input

Gail Cannon, a resident of Columbia County, and a former Charter Commissioner and Charter Review Commissioner of Brevard County offered her experience. She was of the opinion that even though the Charter process has just begun in Columbia County,

the Commission should be considering a Charter Review Commission. She asked that early on, that the commission establish a constitutional body of citizens who have school in constitution of law to review each item. By doing this, she stated it would prevent a financial burden being added to the county for lawsuits. She also stated this would save years of the commission's time, and a lot of grief. She also addressed the bylaws, which addresses final adoption and transmittal. She suggested that the 2/3 member concurrence be changed to 2/3 of the total body (10 of the 15 appointed commissioners). Ms. Cannon agreed to give the chairperson her phone number and make herself available for questions. She encouraged the Commission to be determined to pass it and stated it took three attempts in the county she was from (the county was not provided). Wilton Terrell suggested that Ms. Cannon be utilized as an advisory person.

Ozell Graham asked Mr. Steinar if Mr. Smith is, or ever was a member of National Association of Advancement of White People. Steinar responded, "to my knowledge, no." Russell Hancock injected that whatever his (Smith) racial preferences may be, the good he has done over the past two years far outweighs his past. He concluded that the group there on Smith's behalf was not completely sure whether he was or was not a member of the NAAWP. Ed Parker asked what difference it would make if Smith was once a member. He added that there are likely members on the Commission that are members of the NAACP. He was of the opinion it was insignificant as to whether or not Smith is a member of the NAAWP.

Hewey L. Sistrunk said *(verbatim)*, "Just like everything else, when the politicians get a hold of it, it just gets out of hand. This started off about the tax money. Our county tax money. All of these constitutional officers are more less governed by the state. We're not too concerned about them. It's our tax money that is bothering us. These county commissioners just lost it over there. They think that it's their money. But it's our money they are throwing away. All we want to do is get accountability for our money. Where is it going? What are we getting back for our money we spend? They will not tell us or be accountable to us for the money. That's the problem.

Sistrunk was of the opinion that the commission doesn't want public input. He criticized the commission for not being more aggressive about advertising the meetings. He felt the charter meetings were just as important as the rodeo, and suggested that a banner be hung across Highway 90 West to advertise, or a banner be placed on the side of the Waste Management trucks. He reminded the commission that the County Commission agreed to provide funding for all reasonable requests.

He continued by stating, "How am I going to ask that Clerk of the Court anything when he's gone, or the Sheriff?" He then recalled Rick Bicknell asking about copies of the minutes being circulated to the people. He advised the Board that there was no motion on that. He recalled David Rountree asking that ties be cut with the county commission and keeping them at arms length and having no influence. Sistrunk informed the Board that there was no discussion at all about that, no motions made, or anything. He concluded by saying, we are getting the same treatment up here that we get from the county commissioners.

The Chairperson responded to Mr. Sistrunk's remarks by saying he has always been welcome to appear before the commission, and that he has always been recognized.

Further, she informed Sistrunk that his comments regarding the Commission not wanting the public's input is totally false. Regarding the meetings, she informed Sistrunk that the meetings are advertised in the newspaper, on the website and posted in the courthouse. She assured him that it is the intent of the commission that everyone be aware. She finished by informing Mr. Sistrunk that if he had questions of the Clerk of Courts or the Sheriff, that their doors are always open to the public, and that she was sure they would be happy to sit down and answer any questions pertaining to their offices.

Mr. Sistrunk asked if the county is in debt, and the status of any long-term loans. Leandra responded that it is not the Charter Commission who has that information. Dale Williams spoke up and agreed to make the information being requested available to Mr. Sistrunk.

Wayne Williams again recognized the job the commission has before them and asked them to do what is right. He was of the opinion that they "the charter" needs to get industry in the county. He advised the commission that he spoke with a man (n/n) yesterday that told him Gulf Coast Pumping and Dredging tried to come into Columbia County, but wasn't allowed. They are now located in Suwannee County, where they were given a ten year tax-free exemption. He criticized Columbia County for making a citizen of the county leave to run his business.

#### Unfinished Business

Per the commission's request, Dale Williams advised that he had contacted the Small County Technical Assistance Services Division in an attempt to secure funding for the purpose of hiring a consultant. A grant is being provided to the county in the amount of five thousand dollars to help defray the expenses of a consultant. Contact has been made with Mr. Spitzer who is the designee, and a memorandum of understanding will be drafted.

The Chairperson asked for volunteers of anyone who would monitor the website and report their findings at each meeting. Mike Null agreed to assist.

Delton Turberville made the following motion: I move that Rule 5 of our meeting agenda return to the wording approved in October. Second by Wilton Terrell.

Turberville explained that Rule 5 deals with the agenda of regular meetings. He read, "The agenda for regular meetings of the commission shall be generally as follows subject to revision or amendment by the commission chair or a majority of the members present."

He was of the opinion that the rule, which was amended in November by motion was changed to state that previous meeting minutes and supporting documents for items appearing on current agendas be part of the agenda packet, and made available to the public at each meeting. Turberville stated he feels the primary reason to return to the original wording is because it is in compliance with Florida Statute 119.07. Further, the addition expense and workload being added to county staff is unreasonable. David Rountree mentioned that while he respects Mr. Turberville's opinion, he still feels it is critical that the additional information be provided in an effort to keep the citizens informed without adding an additional cost to them. He added that he feels as a general

rule, the cost to the county is very minimal, and that the expense is minimal when coming from a \$70,000,000 budget. Ed Parker was in agreement with David Rountree. He didn't think the copying cost would become extreme since there are only a limited amount of interested citizens who come to the meetings. Mike Null agreed with Mr. Turberville stating that the Charter Commission works like any other commission or other governing body. The methodology these groups utilize and must operate by should also be appropriate for us, the Charter Commission. He felt the routine and generally acceptable practices by other governing bodies should also apply to the Charter Commission.

Lisa Roberts offered that to date, all of the supplies and expenses that have been supplied to the commission have totaled \$1,828.26. (That doesn't include the time staff has put in). Concern was expressed that while there may not be an enormous amount of copies required at each meeting, there will be meetings that will be very costly and require a large amount of work for county employees, in addition to their normal workload. Ray Walker asked if a copy would be produced if a person requests it. Lisa Roberts replied yes.

The Chairperson called for a vote. The motion carried with nine members of the commission voting in favor of the motion.

#### Upcoming Meetings

Motion by Ray Walker to set a special workshop to meet with the consultant on Wednesday, February 27, 2002 at 5:30 P.M. at the Columbia County Courthouse. Second by Delton Turberville. The motion carried with ten members voting in favor of the motion. The meeting will be scheduled up to one and a half hours. The Chairperson asked the press member in attendance, if possible, more advertising of the meetings would be appreciated.

The next regularly scheduled meeting date will be March 19, 2002 at 5:30 P.M. at the Columbia County Courthouse.

#### Other

Mario Coppock spoke to Mr. H. L. Sistrunk. He stated that he also had concerns about promoting the meeting to the public. He challenged Mr. Sistrunk and members of the commission to invite someone to attend the next meeting. Sistrunk replied people do not know anything about a charter commission in this county, and that he has invited them to come, but they will not come.

#### Adjournment

There being no further business, the Chairwoman closed the meeting at 7:45 P.M.

ATTEST:

\_\_\_\_\_  
Leandra Johnson, Chairperson

\_\_\_\_\_  
P. DeWit Cason  
Clerk of the Circuit Court

of experience on the Board. He said, "This is one representative fact of what you may get into with term limits."

Regarding residency, County Commissioner Dewey Weaver stated it is his firm belief that candidates running for office should live within his district one year before running for office.

Chairperson Leandra Johnson called for additional input from the audience. There being none, the question and answer session ceased.

### **Kurt Spitzer**

Charter Commissioner Consultant Kurt Spitzer proceeded to present and discuss various issues for the consideration by the Commission.

#### *Nonpartisan Elections:*

Mr. Spitzer explained that most counties (charter and non-charter) currently elect their county officials on a partisan basis. A charter may provide otherwise. There is an effect in terms of the filing fees for an office. Currently, the filing fee in partisan offices is six percent of the officer's salary. Two percent goes to the state party, one percent to the state Elections Commission Trust Fund and three percent to the general revenue fund for the State of Florida. Changing the office to a nonpartisan office would result in the fee being reduced to four percent. One percent would go to the State Elections Commissions Trust Fund, and three percent to the general revenue fund of the county government. There would be a slight change in terms of the candidates' filing fee if this method of qualification is chosen. A spreadsheet was provided to the Charter Commissioners that reflects which charters are silent on this particular subject. He advised that the offices can be nonpartisan, but have a requirement that party affiliation be reflected next to the name of the candidate on the ballot.

Charter Commissioner Delton Turberville asked if the county was nonpartisan, would the petition qualifying process be applicable. Mr. Spitzer responded, "yes." He also asked, if nonpartisan eliminates the second primary election, would a majority vote in the first election be required. Mr. Spitzer responded, "yes" and explained that if no one received fifty percent of the votes in the first primary, there would be a runoff in the general election between the top two candidates.

#### *Term Limits and Lengths:*

Most charter counties have not imposed term limits on the county commissioners or the constitutional officers. The counties that have, are Duval, Hillsborough, Miami Dade, Orange, Pinellas and Volusia.

Considering the concerns expressed by the County Commissioners regarding the lack of continuity at the state level, Chairperson Leandra Johnson asked if Mr. Spitzer

could provide additional information regarding Duval county and their two terms for all elected officials. The response was that Duval and Pinellas County have just began to operate with that system and he wasn't sure it would be possible to observe the effects thus far on a county level. However, on a state level, it has been observed that the House and the Senate simply do not operate as smoothly as they have in prior years. It is not certain whether or not that is due to term limits, single member districting, or some other factor, but obviously it is now a system that is not working as smoothly as it has in past years. He noted that last year sixty-two of the one hundred twenty members in the House of Representatives were freshmen.

Charter Commissioner Ray Walker asked, "Don't you think that almost every voter in New York and Jacksonville would give anything right now not to have ever had term limits?" He mentioned the wonderful job Jacksonville Sheriff Nat Glover has done and how the people of Jacksonville respect and admire him for the job he has done, and how New York citizens hated to see Mayor Rudolph Giuliani's term come to a close.

Charter Commissioner Tom Brown offered that he would be in favor of term limits in congressional districts in large areas where it's just about impossible for anyone to run against the person in office without raising two million dollars. However, he mentioned that careful consideration should be given because by imposing term limits a person's right to vote is taken away.

Charter Commissioner Wilton Terrell asked Mr. Kurt Spitzer if he had seen any type of survey reflecting why elected officials are opposed to term limits. He wondered if their reasons have anything to do with the retirement benefits. Mr. Kurt Spitzer responded that it may be, but with the changes in the Florida Retirement System, that may not be the factor that it once was.

Charter Commissioner Ed Parker spoke, "As of January 1<sup>st</sup>, our districts are way out of proportion, when according to the Florida statutes they should be as equal as possible. The records reflect Columbia County has 32,775 registered voters. In District I, there are 4614 voters. There are 8,450 voters in District II, 7,482 voters in District III, 6,571 voters in District IV and in District V, there are 5,658. That is quite a bit out of proportion." Mr. Kurt Spitzer replied that the requirement that districts are equal in population is based on population, not registered voters. Population numbers can be gathered from census data to determine the size of districts.

Charter Commissioner Ozell Graham expressed his belief that Columbia County has been blessed with some good commissioners because it has shown in all aspects of the county, other than in the area of economic growth. He stated he feels that a charter should not take the voters' right to vote for who they want in office. He acknowledged that there are times when a person gets in office and they lose all interest and enthusiasm. But overall, he stated he feels there are many elected officials who still work very aggressively for Columbia County.

Mr. Kurt Spitzer concluded this topic by advising that Volusia County has opted for a different length of term than the typical four year term that is paired with their districting system.

*Salaries:*

Mr. Spitzer explained that Intergovernmental Relations calculates the salary rate for all county elected officials in the state, according to the state salary system. All non-charter counties follow this system, and most charter counties follow this system for both commissioners and other elected county officials. The formula is population driven. The basic tenants of this system have been in place for almost thirty years. Prior to that, it was a system where salaries were set by special act, and there were great variations in terms of salaries. The charter can provide for a different type of system for county commissioners. If there is interest in doing something different with salaries, there are two general options. The charter could specify that the County Commission sets the salaries for themselves by ordinance. The other option is that the charter could provide for a specific mechanism embedded directly in the charter that the commissioners' salaries would be set at a certain amount. There could also be a provision for the salaries to be adjusted on an annual basis.

Polk County is the most recent county to adopt both charter limits and reduction in commissioners' salaries. Both of those amendments were done by petition. The salary amendment set the salaries for the commissioners at a base that was equal, at the time, to the salaries of the Polk County School Board. There is also a mechanism in place whereby the commissioners can increase their salaries on an annual basis. There is an amendment pending in the Polk Charter Review Commission to increase the salaries to \$49,500 per year, which is less than the state schedule of approximately \$71-\$73,000 per year. Recently, the Polk County Manager went to the Charter Review Commission in Polk County to ask that salaries increases be considered because the Commission has become "very" part-time. It is the opinion of some in the county that the charter has had a negative impact due to the difficulty in obtaining a consensus between entities.

Charter Commissioner Ray Walker expressed his opinion that by using the statutes, it keeps everyone's salaries on a "level playing field." He noted that many times salaries in the seventy thousand dollar range seem high, but not when compared to the responsibility of the job and the number of people in the county. Mr. Kurt Spitzer advised that the intent of the legislature was to create a uniform, statewide system.

Charter Commissioner Ed Parker reminded Charter Commissioner Ray Walker of a conversation between the two of them where Charter Commissioner Ray Walker stated he was overpaid, and so were the rest of the elected officials. Charter Commissioner Ray Walker indicated he had no recollection of the conversation.

Charter Commissioner Mario Coppock asked why it is that a supervisor of elections is paid less than other elected officials, and the County Sheriff is paid more than

other officials. Mr. Kurt Spitzer responded he wasn't certain but someone suggested it could be based upon the responsibility of the job.

Charter Commissioner Richard Weizenecker expressed concern that by reducing salaries, the higher income person would be favored and the lower income person would be hurt in the sense that the lower income person may not be able to afford to run for office. Mr. Kurt Spitzer concurred that it is a common argument against reducing salaries, and limits service opportunities to only those with financial means.

Charter Commissioner Seeber Johnson asked how salary cuts have affected the workability of the county commissioners and constitutional officers in charter counties. Mr. Spitzer responded that the Polk County Manager is of the opinion that the commissioners are simply not as involved, nor are they devoting the same amount of time as they once did prior to the reduction. He also mentioned that off the top of his head, he is not familiar with any county whose charter has reduced the salaries of their constitutional officers.

Charter Commissioner Delton Turberville asked how often salaries are an issue in the charter counties. Mr. Spitzer responded that the Brevard County Charter was amended in 1996, and the matter has not come back before the public since then. In Dade County, it has been in the charter for years, and it has never been changed. In Orange County, it is set by ordinance and there have been increases. He was not sure about Volusia County and Duval County.

In an effort to keep with the schedule, the Chair advised that the topics regarding residency requirements and vacancies will be discussed at the next meeting, but encouraged the commissioners to do their homework on upcoming topics.

### **Public Input**

The Chair opened the floor to the public for questions and/or comments.

Clerk's Note: A large amount of Mr. Sistrunk's discussion is verbatim.

Mr. H.L. Sistrunk of District II asked if any decisions have been made on what could be done to get more people to come to the meetings. The Chair responded that the Committee that was formed was to look at the different means of advertisement that could be used in the future. She assured him that Mr. Kurt Spitzer would be contacting the appointed Committee to take suggestions. She concluded that as far as getting more citizens to come, the meetings have been advertised in the newspaper, on the website and posted at the courthouse as to what dates the Charter Commission will meet. Mr. H.L. Sistrunk asked what about the topics to be discussed such as term limits being distributed to the citizens for input. Mr. H.L. Sistrunk suggested that a sheet of suggested topics be taken to the churches for distribution and feedback. He reminded the Commission they were told at the first meeting that if need be, they would be given an office, secretary, telephones, or anything needed within reason. He criticized them for not having any of

this and expressed that the Charter Commission is not doing anything to try to get anything from the public. The Chair respectfully disagreed and thanked him for his comments. Mr. Sistrunk complained that the public has been cut off from getting the minutes or anything else, unless we pay for them. The response was any citizen can get the minutes off the website at the library, and if need be they may obtain assistance with using the computer. Moving on, Mr. Sistrunk complained that County Commissioner James Montgomery and County Commissioner Ronald Williams left before he could ask them questions. He expressed he wanted them to know that it was him that said the two of them run the county because of how long they have been in office. He offered that the way County Commissioner Ronald Williams stays in office is that he has approximately 4,000 people that have to vote for him, while County Commissioner Dewey Weaver has 8,000 vote for him. He asked, "Do you think that is fair? That answers your question as to how they are able to stay in office. Once you get into office, it takes you four years to learn how the office works. Then, when you learn how the office works, you begin to learn how to work the office when you are a politician. I'm just going on and on and not accomplishing anything. The same way it's been since I've been up here. You've had one up here that said to get away from the county commissioners. I'd like to ask Mr. Spitzer who in Polk County assigned these commissioners to the charter commission to begin with?" Mr. Kurt Spitzer responded that it was the County Commissioners who appointed the Charter Commissioners in Polk County. Regarding the Charter Review Commission, eleven commissioners were appointed by the Board of County Commissioners, and two were appointed jointly by the five constitutional officers. Mr. Sistrunk stated, "The problem here is greed for the tax money. Now if we can get some answers from the County Commissioners of where our tax money is going, that's the problem right there. They don't want to be accountable for the tax money. It's the same way in Washington, it's just on a smaller scale here. If you look at the budget the auditor put out, it covers the year 2000, we're up here in 2002, you're two years behind. Look at the courthouse overrun. You're up to over \$20,000,000 on the courthouse now. Look at the curbside garbage, "why couldn't they have just picked up that garbage from those dumpsters when it was blowing all over the highways." The Chair interjected by recognizing that he was just asking rhetorical questions that the Charter Commission could not answer and suggested the questions be directed to the County Commissioners. Mr. H.L. Sistrunk asked for clarification on a statement at the last meeting regarding the Sheriff and Property Appraiser's offices being brought under the charter. Mr. Kurt Spitzer gave clarification by saying both of those offices could be made charter offices, but the Appraiser's budget will still be essentially approved by the State Department of Revenue.

Responding to Mr. H.L. Sistrunk's remarks, Charter Commission: Ed Parker stated, "I know we are trying to impose on the Clerk of the Court's Assistant and the County Coordinator's Assistant, but they have full time jobs and we are forcing extra work. I think we have concerned citizens in this county that would be willing to do some of this work and take part of the load off the county workers for a very small fee." The Chair pointed out that this matter would be more appropriately addressed during the Commission's discussion of "unfinished business".

Mr. David Willis addressed the Commission and stated he was of the opinion that the Charter Commission should not consider who may be presently holding a particular position. He explained the charter should be written for the county to use in years to come, because nobody is indispensable or will stay in office forever. There are term limits every four years in place now, and the people will decide their term. He stated he was not certain how he felt about term limits, but feels it will be a Charter Commission decision. He expressed he feels the County Commissioners are administrators over the administrators over the County's budget. He also feels that County Commissioners are employees of the county, and therefore should have their salaries set by the citizens of the county.

Mr. Bruce Drawdy thanked the Charter Commission for their efforts. He mentioned that he was once a supporter of term limits and even voted for term limits. However, after gaining experience and looking back, he feels sure that it is not, and was not the right thing for Columbia County. He used as an example the campaign he and Delton Turberville were in against County Commissioner James Montgomery in 2000. He pointed out that although they ran a very hard race, County Commissioner James Montgomery won the election overwhelmingly, which proved that the people of District V are satisfied and they elected to bring him back. Mr. Drawdy acknowledged that if Commissioner James Montgomery had been forced to leave office after eight years due to term limits, the District would have suffered. He asked that the Board consider this carefully. He pointed out that Property Appraiser Doyle Crews and Tax Collector Ray Walker have been unopposed, which also reflects the county thinks they are doing a fine job. Therefore, term limits will probably not be a benefit. Regarding nonpartisan elections, he suggested it may save a little money, but he doesn't have a strong conviction either way.

The Chair called for additional input from the public. There being none, the meeting moved forward.

#### **Unfinished Business of the Commission**

Charter Commissioner Wilton Terrell expressed his appreciation to the Lake City Reporter for printing the topics to be discussed at the next meeting.

Charter Commissioner Delton Turberville feels the Commission may have made a mistake in appointing a citizen outside of the Commission to serve on the committee that was asked to look into methods of advertising. He was concerned that an appointee outside of the Commission may not have to abide by the rules and regulations of the Commission. He simply asked the Commission consider the matter. The Chair clarified that her intent was that he serve in an advisory position. Charter Commissioners Ed Parker, Seeber Johnson, and Wilton Terrell expressed they thought the Chair's action was totally in line. Charter Commissioner Mike Null was of the opinion that the Charter Commission should be careful not to cloud issues by the actions they take. He felt the fifteen member Charter Commission was appointed to do a certain task and in order to

keep matters clear of controversy, official appointments should be limited to the Charter Commission members. However, he stressed the public's input is still appreciated.

Charter Commissioner Ray Walker felt Mr. H.L. Sistrunk had an excellent idea in providing the charter meeting dates to the churches to post in the church bulletins. He asked if there was a method to circulate the dates. The Chair again clarified that the committee's purpose was to explore the methods of advertising, and report back to the Commission.

Charter Commissioner Ray Walker asked when the Charter Commission would begin their comprehensive study of the county. He expressed he didn't feel the "topics" should be discussed until the study was completed. The Chair responded that since the creation of the Commission, such a study has been conducted. She stated that the discussions and actions of the Commission at each past meeting has been a "study". Mr. Kurt Spitzer informed the Commission that Polk County prepared a final report of their findings and presented it with the proposed charter. A separate management study or management review was not conducted separate and apart from the general study of the Charter. Charter Commissioner Seeber Johnson advised he is interested in consolidating departments of the City and County. He asked how, without doing a thorough comprehensive study, the Charter Commission would be able to determine whether or not that is something they are interested in. Mr. Spitzer responded, "If you want to pursue that subject, we could do some work when we get to that point, but to do an efficiency study, time wise, is a limitation here."

Charter Commissioner Mike Null advised that the meeting dates for all upcoming meetings have been posted on the website. Provisions are being made so that reports can be added by the end of the week. The Charter Commission is now able to receive e-mail through the website. The first question that has come in via e-mail was a request for directions to get to a constitutional officer's office. He advised that he would print out all e-mails with specific questions and comments relating to the Charter Commission.

Charter Commissioner Tom Brown advised he spoke briefly with County Attorney Marlin Feagle regarding the federal court order discussed at the last meeting. He reported he has not had a lot of time to look at it, but in his opinion, that it would probably require a stipulation or an ...*(inaudible)*...order with the court ...*(inaudible)* to provide for any at large districts for areas at large. The way Mr. Marlin Feagle read it was that all...*(inaudible)*... elected by district. Therefore, it could be pursued with the court later on if interested. He also provided that as to whether the Charter Commission would come under financial disclosure, the answer is that the Commission is not required to come under financial disclosure. Finally, regarding voting conflicts, Charter Commissioner Tom Brown advised that according to the Ethics Commission, no appointed public officer shall participate in any matter which may result in their special or private gain or loss, per Florida Statutes 112.3143. He defined "participate" to mean discuss, persuade or vote. If there were such a conflict as defined within the statute, if known ahead of time, then a conflict statement would have to be filed in the beginning of the meeting. If it was not known ahead of time, then that person would abstain from

participating. If it were not discovered until during the meeting that there was a conflict, then you announce your conflict orally and file a written statement. The written statement is then read in full at the beginning of the next meeting. He used as an example the issue of salaries for constitutional officers, which would probably be a conflict for the constitutional officer serving on the Charter Commission. Persons who may be interested in running for an office should be able to participate fully. The written opinion of the Ethics Commission's findings were made a part of the minutes. (See Attached) Charter Commissioner Walker advised that it is his understanding he could discuss matters, but not vote on conflicting matters. Commissioner Brown indicated mere discussion may present a conflict.

Mario Coppock advised he had the opportunity to speak with Mike McKee of the Lake City Community College ("LCCC"), and was informed that the college audio department would be happy to announce meeting dates and topics to be discussed. He also stated that the college would like to have an opportunity to host a meeting of the Commission in the future and televise the meeting. Commissioner Coppock was authorized by the Chair to provide the agenda to the college to advertise.

Mr. Kurt Spitzer contended that the charter is not required to provide for a county administrator. Charter Commissioner Delton Turberville remained in disagreement. The matter will be discussed at the next meeting.

Charter Commissioner Rountree expressed concern that the minutes from the February 27, 2002 and March 11, 2002 Charter meetings are not ready for approval. He brought up for discussion the question as to whether or not the Commission should hire it's own secretary. He asked why the minutes were not ready. The Chair responded that she believes the Clerk's office is overwhelmed with work at the moment. Commissioner Rountree asked if it was known when they would be ready. The Clerk responded that there were eight working days between two of the meetings, and that it is impossible to generate such large detailed sets of minutes that quick without putting the Charter minutes ahead of the Board of County Commissioner's minutes and the S.H.I.P. minutes, not to mention job responsibilities. Charter Commissioner Turberville noted that there was also only one week between this meeting and the last meeting.

Motion by Commissioner Dave Rountree that the Charter Commission solicit the services of a secretary. Second by Commissioner Mario Coppock.

Commissioner Mario Coppock acknowledged that the minutes would have to be overwhelming, and to ask the Clerk to neglect her other responsibilities, and turn out minutes for the Charter is not fair. Additionally, he reminded the Commission that the Board was told clearly that they had money to spend in a prudent manner to accomplish the task set before them, and that a temporary service would be in line. He felt that the job needed someone to devote their time solely to the Commission. Charter Commissioner Ed Parker agreed. Charter Commissioner Tom Brown asked County Coordinator Dale Williams if there were any resources available to assist. Mr. Dale Williams suggested that he would meet with Clerk of Circuit Court DeWitt Cason to see

if additional help could be hired to do the minutes since it is ultimately the County's responsibility to fund this. The Chair asked Mr. Dale Williams to please stress to the Clerk of Court the importance of the minutes, and to make sure if he hires someone, they are competent. Mr. Dale Williams noted there is no other boards that has to adhere to such a turnover rate, but promised to meet with Clerk of Court DeWitt Cason to discuss the matter. Mr. Dale Williams was certain that the Clerk would assist in any way possible.

Charter Commissioner Dave Rountree clarified that his reason for hesitancy in making the motion was simply because the Charter Commission is infringing upon the responsibilities of the Clerk of Courts Office. The motion was withdrawn pending the results of the Clerk and County Coordinator's discussion. The second was withdrawn.

There being no further business, the meeting adjourned at 7:50 P.M.

ATTEST:  
P. DeWitt Cason

\_\_\_\_\_  
Leandra Johnson, Chairperson

\_\_\_\_\_  
Clerk of Courts

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**MARCH 11, 2002**

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- 5:30 P.M.    \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.    \*Mr. Kurt Spitzer, Charter Consultant  
                  Spitzer & Associates  
                  (1) Discussion of Opinion Research  
                  (2) Discussion on Issues to be Included in Charter
- 7:00 P.M.    \*Remarks of Interested Citizens
- 7:15 P.M.    \*Unfinished Business
- 7:25 P.M.    \*Adjourn

# **Columbia County Charter Commission**

March 11, 2002

5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

The meeting came to order. Commissioner Wilton Terrell opened with prayer, and the Pledge of Allegiance to the flag of the United States of America followed.

## **ROLL**

Deputy Clerk Sandy Markham took roll call.

### **Commissioners Present:**

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Mario Coppock, Ozell Graham, Edsel Parker, Tom Brown, David Rountree, Delton Turberville, Seeber Johnson, Mike Null and Rick Bicknell.

### **Commissioners Absent:**

Ozell Graham.

## **MINUTES**

Motion to approve the February 19, 2002 by Commissioner Poole. Second by Commissioner Terrell. The motion carried unanimously.

## **TIME LINE by Consultant Kurt Spitzer**

Mr. Spitzer mentioned that each of the members should have received in the mail an opinion research report from Polk County, which was generated approximately four years ago, a matrix of possible issues to be included in discussions as the Commission moves through their process, and an amended timeline reflecting the dates of upcoming meetings. The timeline also reflected Mr. Spitzer's suggested dates for public hearings on July 15, 2002, July 29, 2002, and August 12, 2002. He advised the Commission that there is a small

amount of flexibility in those dates. Assuming the Charter Commission finishes with the public hearings on August 12, 2002, and immediately hands the charter product over to the Board of County Commissioners, the County Commissioners will then be able to call an election. The election may be any time after forty-five days from the handover date, but not more than ninety days from that date. By following the proposed timeline, it will be possible to have the election regarding the charter on November 05, 2002. This would prevent Columbia County from having to hold a special election, which would require a substantial expense to the county.

Commissioner Parker asked if it would be possible to change any of the dates that are now set through June 2002. The Chair responded that the meetings were set by the Charter Commission, but the Commission reserves the right to have additional meetings if the Commission deems this necessary. Commissioner Parker expressed his dissatisfaction with the time of the meetings. He advised that there are interested citizens who would like to come to the meetings, but cannot because the time is inconvenient. Commissioner Parker feels deliberate attempts are being made to exclude the public by setting inconvenient times. He also expressed that he feels there are people on the Commission with political ambitions who want to keep everything the "same" in the county. He ended by saying that he would like to see a 2/3 favorable vote of the Commission in order to pass a motion, and asked how many people have already read the charter that he submitted at the first meeting. The Chair responded that the Commission had an in-depth discussion at the last meeting regarding the date and time of the meetings. The dates and times reflected for meetings in June are a correct reflection of the Commission's action at the last meeting. The Chair assured Commissioner Parker that the Commission encourages public participation, and encouraged him to notify anyone who would like to attend, but cannot due to time constraints, to contact the Commission by writing, telephoning or e-mailing to the Charter Commission. She added that the mandate directing the Commission to hold public hearings will certainly be geared to accommodate as much of the public as possible, which is also the actual intended time for public input. She reminded him that the Charter Commission does not have the authority to dismiss or replace any of the members due to their political aspirations, or for any other reason. Regarding the question of reading the proposed charter he (Commissioner Parker) presented at the first meeting, the Chair reminded him that she answered the question when asked by him at previous meetings. She read his proposed charter the night she received it.

Commissioner Terrell asked for clarification on the "X" and "?" shown on the timeline. Mr. Spitzer responded the "X" is a firm date, and the "?" is a tentative/suggested date.

#### **SURVEY INFORMATION by Consultant Kurt Spitzer**

As discussed at the previous meeting, the results of the 1998 Polk County citizens' survey was provided via U.S. Mail to the Charter Commission. The telephone survey was

done by Offenheimer Research in Tallahassee, Florida. Approximately seven hundred, to seven hundred fifty people were surveyed. The survey required a couple of weeks of evening interviews to complete the document. The survey tested basic knowledge of the charter's existence, districting scheme, term limits, increasing the number of commissioners, countywide regulations, recall, citizens inactive and charter amendment, utility taxes, partisan and nonpartisan elections for county officials and then other miscellaneous information. The cost to conduct the survey in 1998 was \$12,000. He noted that experts suggest that 500-600 people would need to be interviewed in Columbia County to get a valid response.

Motion by Commissioner Seeber Johnson to move forward with having the survey done. Second by Commissioner Bicknell. There was input by Commission members:

Commissioner Parker indicated he has a survey he had taken with over one thousand signatures of Columbia County citizens. Commissioner Parker was of the opinion that the survey reflected, as he put it, "what the people are looking for in a charter." The Chair invited Commissioner Parker to bring copies of the survey to the next meeting and present them to the Commission for consideration. The Chair discussed her personal knowledge as to how a scientific survey is conducted and stressed the importance of having expert professionals conduct any survey to be considered by the Commission.

Commissioner Bicknell feels an uninterested professional is needed to conduct the survey. This will avoid personal feeling and personal beliefs from getting in the way of a job that needs to be done. He believes this is the only way the survey will be fair and impartial. Kurt Spitzer was asked if there are other companies he may be familiar with that are able to do this type of work. His response was "yes". There was questioning as to whether or not Columbia County's wording should be different from that of Polk County's survey. Commissioner Bicknell expressed that he wasn't interested in what "this" group, or "that" group wanted in a charter, but that he would like to hear from the people of Columbia County. Mr. Spitzer responded that the Charter Commission is not limited to a certain set of questions. Commissioner Walker expressed concern that if not careful, a questionnaire could be drafted so that the average person has no idea what they are being asked. "If" a survey is conducted, Commissioner Walker cautioned that everyone needs to be of one mind, and on the same mission, and to make the questions fair, simple and to the point. He feels like adding a lot of information may cloud the questions being asked. He suggested "yes" and "no" type of questions.

Commissioner Null expressed that he would vote against hiring someone to the tune of \$12,000 to take a survey, when the "real" survey will be the vote of the citizens in November. His personal feelings are that the selected Charter Commission is very capable of fulfilling its mission to conduct a study to develop a proposed charter. He pointed out the Commission now has added to their resources a consultant to assist. Also, he stated that a survey will not necessarily give the Commission the final conclusions, and may misrepresent

what the overall vote outcome might be. Therefore, not believing this \$12,000 survey would be a useful tool, he stated he would not support a survey. Commissioner Delton Turberville and Commissioner Mario Coppock agreed.

Commissioner Seeber Johnson stated that after reading the questions on the survey, and after reading through several charters of other counties, he feels the questions are basically the same in nature. Therefore, the Commission would not have to go through the time or trouble of developing another set of questions. He remained steadfast that a survey is needed.

Commissioner Terrell stressed a need to educate the public on the assigned task of the Commission, and exactly what it is that the Commission hopes to accomplish. Commissioner Terrell agreed with Commissioner Seeber Johnson that the provided survey is a good survey to use. He suggested publishing the survey in the paper. Commissioner Terrell stated that he became aware through documentation provided by Kurt Spitzer, that 82% of the citizen in Polk County had no idea what issues were going to be addressed by the charter commission. He feels this is also the case with the people of Columbia County. He stressed the need to educate the public prior to taking a survey. Commissioner Turberville was hesitant to just begin advertising without some explanations to the public, but agreed that some type of public education was needed. Commissioner Coppock expressed the documents needed to educate the people have already been provided by Mr. Spitzer - "they have been tried and proved with other counties". He feels following the blueprints of other counties and "tweaking" the questions to work for Columbia County is more than sufficient and would work for this county too. Commissioner Parker was of the opinion that there are enough newspapers in the county to educate the public and point out the advantages of a charter, and explaining the differences between a charter and a non-charter county. Commissioner Bailey offered that there are citizens coming into his business daily who have no idea what a charter is. He agreed that the public needs desperately to be educated on the facts regarding the charter. Commissioner Bicknell asked Mr. Spitzer if Polk County spent money over and beyond the \$12,000 survey cost to educate the people prior to taking the survey. The response was that the proposed charter was completed and handed over to the Board of County Commissioners, and then the Commission embarked on a public education effort. He mentioned the means by which they advertised were newspapers, direct mailings, radio and television. Commissioner Coppock felt a mass mailing of literature would assist with educating the public.

Commissioner Parker advised that the survey in his possession was not biased because it was taken from people in general, and from all walks of life. He stated that the signatures were taken from people all over the county. He offered that if the commissioners serving on the Charter Commission really wanted to work, they could get out and survey the people themselves, and find the answers as to what the citizens really wanted in a charter.

Commissioner Rountree asked Kurt Spitzer, "What impact would conducting a survey have on the Commission's schedule, especially if after conducting a survey there are things that will need to be re-discussed?" The response was that the schedule would be affected very little. Mr. Spitzer believes there is enough time to conduct the survey. Commissioner Bicknell indicated that the survey itself will offer a certain amount of education to the people. The motion failed with only five commissioners voting in favor of the motion.

**Discussion: The Issue Decision Matrix**

Kurt Spitzer explained that the matrix provided only a brief summary of the topic to be discussed. He explained that the Commission shall vote on items on the matrix they would like to begin discussing. He explained that by a simple majority vote, the Commission could add another issue to the discussion agenda. The Chair stressed that the items to be discussed are not necessarily all the items that will be on the charter, but rather an attempt to establish an initial discussion schedule. The Commission took the following actions after reviewing each general section:

***Board of County Commissioners***

Topic 1.1 Single member districting - Commissioners elected (only) by the residents of their district.

Motion by Commissioner Delton Turberville to strike 1.1 due to an existing federal court order already addressing this topic. Second by Commissioner Rick Bicknell. The motion carried.

Topic 1.2 Number of Commissioners.

Motion by Commissioner Delton Turberville to strike for discussion. Second by Commissioner Wilton Terrell.

Ed Parker called for clarification on the motion. Kurt Spitzer advised that the motion simply means that the Commission is electing to not discuss this matter any further at the current time. The Chair advised that the matter can be brought back up for discussion later if the Commission sees fit. Commissioner Wilton Terrell and Commissioner Mario Coppock stated they would like to discuss this topic at a later date. The motion carried with ten members voting in favor of the motion.

Topic 1.3 Non-Partisan Elections.

Motion by Commissioner Seeber Johnson to include in the discussion. Second by Commissioner Wilton Terrell. The motion carried with eleven members voting in favor of the motion.

Topic 1.4 Term Limits.

Motion by Commissioner Dave Rountree to include for discussion. Second by Commissioner Wilton Terrell. The motion carried with eleven members voting in favor of the motion.

Topic 1.5 Term Length.

Motion by Commissioner Seeber Johnson to include in the discussion. Second by Commissioner Dave Rountree. The motion carried with eleven members voting in favor of the motion.

Topic 1.6 Salaries.

Motion to discuss by Commissioner Wilton Terrell. Second by Commissioner Mario Coppock. The motion carried with ten members voting in favor of the motion.

Topic 1.7 Recall.

Kurt Spitzer stated that the Charter Commission really doesn't have significant discretion in terms of what can be included in the charter relating to recall. The reason is that any legislative body of any charter local government is subject to recall as is provided by general law.

Motion by Commissioner Mike Null to strike from discussion. Second by Commissioner Delton Turberville. The motion carried with twelve members voting in favor of the motion.

Topic 1.8 Vacancies.

Motion by Commissioner Ray Walker to add to the discussion. Second by Commissioner Dave Rountree. The motion carried with twelve members voting in favor of the motion.

*Clerk's Note: Commissioner Emory Bailey left the meeting at 6:40 P.M.*

***Executive Branch***

- Topic 2.1 County Manager/Administrator
- Topic 2.2 Manager Appointment/Termination
- Topic 2.3 Manager Qualifications
- Topic 2.4 Residence
- Topic 2.5 Noninterference Clause

- Topic 2.6 Department Heads
- Topic 2.7 Elected Chairman or Elected Executive

Motion by Commissioner Delton Turberville to include 2.1 through 2.7 for discussion. Second by Commissioner Wilton Terrell. The motion carried with ten members voting in favor of the motion.

***Constitutional Officers***

- Topic 3.1 Constitutional County Officers
- Topic 3.2 Recall
- Topic 3.3 Salaries
- Topic 3.4 Nonpartisan Election

Motion by Commissioner Dave Rountree to include 3.1 through 3.4 for discussion. Second by Commission Terrell. The motion carried with nine members voting in favor of the motion.

***County Attorney***

- Topic 4.1 County Attorney - Hired or elected

Motion by Commissioner Seeber Johnson to include for discussion. Second by Commissioner Mike Null. The motion carried with nine members voting in favor of the motion.

***City - County Relations***

- Topic 5.1 County Wide Ordinances
- Topic 5.2 Functional Consolidation

Motion by Commissioner Wilton Terrell to discuss. Second by Commissioner Tom Brown. The motion carried with eleven members voting in favor of the motion.

***Miscellaneous***

- Topic 6.1 Citizen Initiative
- Topic 6.2 Charter Amendments (Not Applicable)
- Topic 6.3 Utility Tax
- Topic 6.4 Planning Powers

Motion by Commissioner Jim Poole to include 6.1 through 6.4. Second by Commissioner Wilton Terrell. The motion carried with twelve members voting in favor of the motion.

Commissioner Terrell stated that the reason he seconded the motion was because just over a year ago there were numerous petitions brought before the Board of County Commissioners, which were totally ignored by the Commissioners regarding the five cent a gallon tax on gas. Kurt Spitzer cautioned everyone that there are some taxes that are provided by general law and that the charter may, or may not, be able to do anything with it.

## **GENERAL DISCUSSION**

Commissioner Walker expressed concerns that the Commission has reached a point to where there will be many technical questions asked. He wondered if the Commission feels the County Attorney should be brought in on the upcoming discussions. Commissioner Brown suggested that this being a very specialized area, that an attorney who specializes in charter government should probably be consulted.

Motion by Commissioner Turberville to have Kurt Spitzer provide names of competent attorneys who specialize in the area of charter government. Second by Commissioner Bicknell. The motion carried with twelve members voting in favor of the motion.

Motion by Commissioner Parker for the Commission to postpone for discussion Topic 1.1 through Topic 6.4. He expressed his reason is because the Commission has complicated the matter, and information needed could be found in the folder given to them at the first initial charter meeting. The Chair responded that the action just taken by the Commission is exactly what he was attempting to do by his motion. Commissioner Parker clarified that he thinks the discussions should be put off because the materials needed to make decisions can be found in the notebook. He feels it is a waste of time to discuss each topic when the answers everyone is searching for are already in the notebook for anyone who will read them. There being no second, the motion died.

Regarding Topic 1.2 - Number of Commissioners, Commissioner Coppock asked that the Commission speak with County Attorney Marlin Feagle to have him investigate whether or not Columbia County can have more than five commissioners. Commissioner Walker and Commissioner Turberville pointed out that the Commission has already voted to strike for discussion Topic 1.2. The Chair asked Commissioner Brown to mention this issue to Marlin Feagle and report at the next meeting.

There was discussion again regarding educating the people as to the charter and what materials should be provided to educate the people of the county.

Motion by Commissioner Terrell to circulate the provided matrix to the public by whatever media necessary. Second by Commissioner Seeber Johnson. Discussion resumed. Everyone agreed that there was a need to educate the public. How the public would be

educated, and when was debatable. Commissioner Seeber Johnson withdrew his second. The motion died for a lack of a second.

It was asked if the matrix could be viewed on the website. Commissioner Null responded that currently provisions have not been made to place all of the attachments on the website. He will inquire as to the procedure for posting attachments as they are presented. He noted that attachments would be somewhat delayed before they would actually appear on the website.

Commissioner Seeber Johnson stated that he is concerned that some of the items to be voted on affect some of the members on the Charter Commission who are either in office, or plan on running for office. He specifically mentioned salaries and term limits. Commissioner Seeber Johnson was of the opinion that salary and term discussions will be a conflict of interest, and will create a conflict for the Commission. He asked that the Commissioners fitting in to such categories voluntarily abstain from voting on items that may affect them.

Kurt Spitzer stated that he believed that the Commission is required to vote as a member of a public body. Commissioner Walker volunteered that he had planned to simply not vote when it come to matters that may affect him, but planned on participating in the discussions. The Chair responded that Roberts Rules of Order should address this issue. Commissioner Rountree stated that per Florida Statutes Commissioners are required to vote unless there is a conflict of interest. Commissioner Turberville advised that the requirement is only if the Commission has the power to enact (not suggest) something. Therefore, he feels a Charter Commissioner is not required to cast a vote. As a matter of information, Commissioner Bicknell advised that there were a couple of things during the course of the meeting that he didn't vote for or against. He simply didn't cast a vote. Commissioner Null offered that failure to vote in favor of a motion would indicate a vote against the motion. The Clerk advised that unless a Commissioner voices that they will be abstaining from the vote, the Clerk can only assume that they are voting against the motion if their hand is not raised.

Kurt Spitzer informed the Commission that he would prepare the topics to be discussed at the next meeting regarding the Board of County Commissioners, and make suggestions regarding scheduling the balance of the topics.

Motion by Commissioner Brown to put any of the items 1.3 through 1.9, and less 1.7 for discussion at the next meeting. Second by Commissioner Jim Poole. The motion carried with eleven members voting in favor of the motion.

## **Public Input**

H.L. Sistrunk opened by saying, "Everyone will agree that nobody is satisfied with how they are handling our taxes in Washington." He mentioned to use as an example, the media's report that large companies such as Enron who are not required to pay any taxes. He specifically mentioned Enron, who pays no taxes, but will get over 5.5 billion dollars of the citizen's tax money when they don't pay taxes. He expressed this was unfair, but it seemed there was nothing that could be done about it. He feels the same type of situation is happening in Columbia County, and the County Commissioner will not listen to the public when they try to speak about it. He feels control should be put on the taxes, because once a tax is voted on, he said, "it never goes away." He feels an appeal board is needed for the citizens who do not agree with County Commissioner's decisions.

The Chair called for additional input from the public. There being none, the Chair closed the floor to the public.

The Chair asked generally, to those in the public, if citizen input would be more beneficial at the beginning of the future meetings, or the end. H.L. Sistrunk responded that either way is fine. David Willis responded that either way would be fine, but maybe prior to the vote would be better if he had to select a time.

### **Final Business**

There was also a brief discussion about types of media that could be used for advertising/educating the charter to the public.

Motion by Commissioner Turberville, "Madam Chair, I make a motion that you appoint someone at your discretion to research the different modes available to this Commission to publicize the generalities of this Commission." Second by Commissioner Bicknell. There was discussion for clarification of the motion. Commissioner Turberville explained that he simply wanted someone to report back as to what sources are available to the Commission for advertising should they choose to do some type of advertising. He stressed the he was not making a motion to advertise the matrix or anything else. He simply wanted to see what types of media are available should they choose to advertise. The motion carried with ten voting in favor of the motion. The Chair asked Commissioners Coppock, Rountree, Parker and Poole to work with Kurt Spitzer on the different types of media that may be available to the Commission for future advertising. The Chair extended an invitation for Mr. Sistrunk to serve on this committee to provide citizen input in an advisory capacity. Mr. Sistrunk accepted the offer. Commissioner Parker suggested mass mail-outs be seriously considered.

### **Minutes**

Commissioner Rountree asked the status of the minutes from the previous two meetings. The Clerk responded that the minutes of February 27 are in draft form and will be forwarded this week. There was discussion as to the importance of having all minutes transcribed by the next meeting dates. The Clerk noted that it was previously agreed that at each meeting, the minutes from the previous month would be ready for approval. However, meetings that are held weekly, or biweekly may not always be ready for the next meeting due to other commitments on minutes for the Board of County Commissioner and/or S.H.I.P. Discussion continued. County Coordinator Dale Williams agreed to meet with Clerk of Circuit Court DeWitt Cason to discuss options.

There being no further business, the Chair closed the meeting at 7:55 P.M.

ATTEST:

\_\_\_\_\_  
Leandra Johnson, Chairperson  
Columbia County Charter Commission

\_\_\_\_\_  
P. DeWitt Cason  
Clerk of Circuit Court

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX  
528 W. DUVAL STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**OCTOBER 16, 2001**

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- 5:30 P.M.      \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.      \*Introduction of Guest Speaker  
                  \*Mr. Kurt Spitzer, Topic: Charter Government  
                  (sponsored by the Small County Technical Assistance Program)  
                  \*Questions
- 6:30 P.M.      \*New Business  
                  1.) Adoption of By-Laws  
                  2.) Approval of Advertisement Format
- 6:45 P.M.      \*Remarks of Interested Citizens
- 7:00 P.M.      \*Establish Next Meeting Date  
                  \*Adjourn

# Charter Government Committee

**October 16, 2001**

**5:30 P.M.**

The Charter Government Committee met in a regularly scheduled meeting at the School Board Administration Office.

Members Present - Wilton Terrell, Emory Bailey, Richard Weizinecker, Ray Walker, Leandra Johnson (Chairwoman), Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock and Ozell Graham.

Members Absent - Tom Brown and Rick Bicknell.

The meeting came to order. Ozell Graham opened with prayer, and the Pledge of Allegiance to the American Flag followed.

**Roll call** was taken. Rick Bicknell and Tom Brown were not in attendance due to a prior engagement.

The Chair called for a motion to approve the **proposed minutes** of the previous meeting if there were objections. There was a motion and a second to approve. The motion carried unanimously.

Kurt Spitzer of Spitzer & Associates Consulting was introduced to the Committee. Leandra Johnson provided information listing Mr. Spitzer's experience and qualifications in dealing with Charter Government.

The floor was turned over to Mr. Spitzer, who provided an extensive **Charter Government presentation**. Spitzer distributed to the members, a portion of the Florida Constitution that deals directly with Charter Governments. At the conclusion of Spitzer's presentation, the floor opened to the committee members for questions.

## New Business

The **meeting location** was discussed. There was mention of continuing to use the School Board Administration office, the Columbia County Public Library and the Courthouse. Their discussion addressed cost, security and handicap accessibility.

There was a motion and a second to "try" the courthouse for the next meeting. There was a motion and a second to use for the next meeting. The motion carried with a majority vote of ten.

The **meeting time** was discussed. As was discussed at the last meeting, there were different ideas as to what time would be most convenient for the committee members, as well as the public.

There was a motion and a second to hold the next meeting at 5:30 P.M. The motion carried with a majority vote of nine.

There was a motion and a second to approve the **By-Laws** with the stipulation that they may be amended should the need arise. Discussion ensued.

Dave Rountree was of the opinion that a 24 hours notice is not a sufficient amount of time to **notify the public of a meeting**, and suggested it be changed to 48 hours. This opinion was placed in the form of a motion. There was discussion. Mario Cappock seconded the motion. The motion carried with a majority vote of nine.

The chair called for a vote on Wilton Terrell's motion to approve the By-Laws. The motion carried unanimously.

#### Advertisement Format

Dale Williams advised that the County would like to make every effort to collect and disburse information to the public pertaining to the Charter Government. He proposed that notices be advertised on public television, and posted on the County's web site. The citizens will also be able to communicate via email through the web site. Williams stated that the information being posted will be information approved, and used by the Florida Association of Counties.

There was discussion. The Commission agreed that they would consider identifiable mail. Williams stated that unidentified mail would be forwarded to the Chair for consideration. Identifiable mail will be distributed to all members.

Each member was asked to consider whether or not they wanted their **phone numbers** made available to the public.

There was a motion and a second to approve the advertising plan. The motion carried unanimously.

#### Public Input

The Chair opened the floor for the public to have an opportunity to speak. Coy Williams, Wayne Williams, David Willis and Dewey Sistrunk a/k/a H.L. Sistrunk offered input.

#### Next Meeting

Motion and second to scheduled the next meeting for November 13, 2001 at 5:30, and for the Chair to establish an agenda.

As requested, Dale Williams will establish a proposed timeline, and will attempt to line up elected officials to address the Commission.

There were members who felt the Committee should meet on a set day each month. The original motion to meet on the 13<sup>th</sup> was withdrawn.

There was a motion and a second to establish the meeting date for the third Tuesday of each month. The motion carried with a majority vote of ten. The time of each meeting will be determined. The Chairman will reserve the right to call special meetings on other dates.

Other

Ed Parker asked if the Committee had considered the proposed Charter presented by him at the last meeting. The Chair stated that when the time is appropriate, all proposed charters will be considered.

Adjournment

There being no further business, the meeting adjourned at 7:40 P.M.

ATTEST:

**P. DeWitt Cason**  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairwoman  
Charter Commission

\_\_\_\_\_  
Sonja A. "Sandy" Markham, D.C.

**JOINT SPECIAL MEETING  
OF THE  
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS  
AND  
COLUMBIA COUNTY CHARTER COMMISSION**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX  
528 W. DUVAL STREET  
LAKE CITY, FLORIDA 32055**

**6:00 P.M.**

**AGENDA**

**SEPTEMBER 26, 2001**

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- 6:00 P.M.      Invocation**
- 6:05 P.M.      Pledge to U.S. Flag**
- 6:10 P.M.      Hon. Dewey A. Weaver, Chairman**  
**(1) Introduction of Charter Commission**  
**(2) General Comments**
- 6:20 P.M.      Board of County Commissioners**  
**(1) General Comments**
- 6:30 P.M.      Marlin Feagle, County Attorney**  
**(1) Charter Members – Legal Obligations**
- 6:45 P.M.      Hon. Dewey A. Weaver, Chairman**  
**(1) Selection of Charter Commission Chair and Vice-Chair**  
**(by motion of Charter Commission members)**  
**(2) Designation of Next Meeting**
- 7:00 P.M.      Adjournment**

# Board of County Commissioners

**September 26, 2001**

**6:00 P.M.**

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The Board of County Commissioners met in a special session with the newly appointed Charter Government Committee at the School Board Administration Office.

Present for the Board of County Commissioners: Commissioners – Ronald Williams, Dewey Weaver (Chairman), Kenneth Witt, George Skinner. Also present for the Board of County Commissioners: County Coordinator – Dale Williams, County Attorney – Marlin Feagle, Asst. County Coordinator – Lisa Roberts, and Deputy Clerk – Sandy A. Markham.

Present for the Charter Government Committee: Members - Wilton Terrell, Emory Bailey, Richard Weizinecker, Ray Walker, Rick Bicknell, Leandra Johnson (Chairwoman), Tom Brown, Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock and Ozell Graham.

Chairman Weaver called the meeting to order. Prayer and the Pledge of Allegiance to the American Flag followed.

An introduction of Charter government was give by Chairman Weaver, and the County Commissioners offered general comments and words of encouragement.

Marlin Feagle explained the legal obligations of members of a charter government. He briefly reviewed the contents of the Charter Government Book provided to each member. He reviewed Resolution No. 2001R-34, he discussed with the members, the Florida Statutes and the Constitution. He encouraged each of them to make themselves familiar with the contents of the Charter Government Book, which also included copies of the seventeen State Charters. He also gave an in depth discussion regarding meetings being held in the Sunshine. Finally, he reviewed the time lines the Committee must operate within.

The Chairman called for nominations for a chairperson for the Charter Government Committee.

Motion and second to appoint Leandra Johnson.  
Motion to appoint Walt Terrell. The motion died.  
Motion and second to appoint Jim Poole.  
Motion and second to appoint Tom Brown.

The Chairman called for a vote. Leandra Johnson received seven (7) votes, Jim Poole received two (2) votes and Tom Brown received four (4) votes. There were two (2) no votes. Leandra Johnson was then recognized as the Chairperson.

Chairman Weaver called for nominations for a Vice Chairperson for the Charter Government Committee.

Motion and second to elect Tom Brown.

Motion and second to cease nominations. The motion carried unanimously.

Chairman Weaver called for a vote. Tom Brown was elected by a unanimous vote.

There being no further business of the Board of County Commissioners, the floor was turned over to Chairwoman Johnson who expressed appreciation for the opportunity to serve.

There was discussion as to when the Charter Committee would schedule their first meeting.

Motion by Delton Turberville to set the next meeting for the third Tuesday in October (October 16, 2001) at 7:00 P.M.

Motion by Ray Walker to amend the motion to have the meeting at 5:30 on October 16, 2001 at the School Board Administration Office.

Delton Turberville withdrew his motion. Ray Walker's motion stood.

Discussion ensued. Some felt that that was too early to have the meeting because people working through the day would not have time to get to the meetings after work. While others were of the opinion that 5:30 would be fine since preliminary meetings will primarily be for getting the Committee situated, and would not require a lot of public input. Finally, it was decided that no meeting time would be convenient for the entire County, and they would consider changing the time in the future, if the need arises. The Chair called for a vote. There were thirteen (13) voting in favor of the motion, and two (2) voting against the motion. The motion carried.

Motion and second to have the meetings last up to 1 ½ hours, with the Chair having the discretion to allow the meeting to continue for an additional 30 minutes. The motion carried unanimously.

Ed Parker presented the members with a copy of a proposed Charter for Columbia County. There were murmurings among the committee members that it would be premature to consider adopting a Charter. The majority of the Committee agreed that they have much to learn, and that they are on a fact finding mission. The committee members shared ideas and thoughts regarding a Charter Government, and on our current form of government.

There was discussion regarding the agenda of their next meeting. It was agreed that the Committee would need to decide what rules of order they would follow.

Motion by Tom Brown to follow Roberts Rules of Order. Second by Ray Walker. The motion carried unanimously.

There was a call from the audience for the Chair to allow the public to speak their peace. Offering input were: Charles Strickland, Hugh Strickland, Wayne Williams, Glenell Bowdoin, O.L. McKleroy, Coy Williams, Reginald Alford and Jeffery Hill.

Each member of the Charter Government Committee introduced themselves to the audience, and offered assurance that they intended to do a thorough job.

There being no further business, the Chairwoman closed the meeting at 7:55 P.M.

ATTEST:

P. DeWitt Cason  
Clerk of Circuit Court

\_\_\_\_\_  
Dewey Weaver, Chairman  
Board of County Commissioners

\_\_\_\_\_  
Sonja A. "Sandy" Markham, D.C.

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 4  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**January 15, 2002**

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- 5:30 P.M.    \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.    \*Mr. Dale Williams, County Coordinator  
                  Columbia County Board of County Commissioners
- 6:35 P.M.    \*Remarks of Interested Citizens
- 6:50 P.M.    \*Unfinished Business
- 7:00 P.M.    \*Establish Next Meeting Date/Location  
                  \*Adjourn

# COLUMBIA COUNTY CHARTER COMMISSION

## JANUARY 15, 2002 MEETING

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

Members Present - Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Delton Turberville, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock, Ozell Graham, Tom Brown and Rick Bicknell. Mike Null joined the meeting at 6:20 P.M.

The meeting came to order at 5:30 p.m. and opened with prayer, and the Pledge of Allegiance to the flag of the United States of America.

Sandy Markham, Deputy Clerk for Clerk of Circuit Court P. DeWitt Cason took roll call.

### MINUTES

There was a brief discussion as to what time Dewey Smith finished his presentation at the prior meeting. Chairperson Leandra Johnson felt the time reflected should be 6:15 p.m.. instead of 7:15 p.m. Sandy Markham concurred, stating the typographical error would be corrected prior to the minutes being put in final form. Johnson called for any other corrections to the minutes. There being no response, there was a motion and a second to approve the **proposed minutes** (with the change to the time). The motion carried unanimously.

### GUEST SPEAKER

Leandra Johnson introduced Dale Williams as the guest speaker and stated she requested he provide an overview of operations of county government in Columbia County. Johnson encouraged the Commission to be prepared to ask unanswered questions which have been brought up at other meetings regarding county government.

Dale Williams, a lifelong resident of Columbia County, introduced himself as the County's Coordinator for the past sixteen years (total years with the county is eighteen). Williams also holds a Bachelor of Science Degree in business management.

He opened by stating he was not speaking regarding the pros and cons of a charter government, but instead he would explain how the Columbia County Government is currently organized. He distributed a tabbed reference manual to assist with the presentation. He stated that the manual was primarily comprised of excerpts from State produced documents that are used by the County. He stated that he would attempt to explain in his presentation where the County's money comes from and goes to, and also the reserve and debt of the county.

Tab #1 - Williams reviewed the organizational chart of the county, but stated he would focus on the offices of the Board of County Commissioners, and let the elected officials explain the duties of their offices. He mentioned that the elected position of County Attorney was inadvertently left off the organizational chart.

He informed the Commission that the relationship between the Board and the other constitutional officers can be summarized by saying the County Commission provides office space and budget. Some limitations apply. The County has two fee offices. He explained that a fee office is an office that charges for the services provided, and when added, the charges are sufficient enough to pay for the cost of providing that particular service. He advised that the Tax Collector is a fee office as is the Clerk of "Circuit" Court. He added that the Clerk of Court's Office is composed of three parts; Clerk of Circuit Court, Clerk of County Court and Clerk to the Board of County Commissioners. Regarding the fee offices, the Board does not set their budgets. He explained that the Board primarily receives a notice of what their budget is going to be.

The Tax Collector and Property Appraiser do not submit budgets to the Board of County Commissioners because they fall under the jurisdiction of the Department of Revenue. Therefore, the Board is provided with a complimentary copy of the budget that is submitted to the State. If the Board has a problem with their budget, they must take it up with the State. All elected officials have a right of appeal of their budget.

The County and the constitutional officers do share some services, particularly in the area of insurance coverage (i.e. workman's compensation, health insurance, fixed asset controls and some computer services.) The Board works on a regular basis to try to consolidate other areas, such as payroll and accounting departments, and human resource departments. There is certainly a spirit of cooperation between offices, but having different functions of the offices many times may limit the ability to consolidate. He encouraged everyone to inquire when given the opportunity as to the working relationships between the Board and the elected offices. He was certain that they would discover each of the offices have an excellent working relationship with one another.

TAB #2 - Regarding the County Commission. There have always been five (5) commissioners. Until 1984, the commissioners were elected on a countywide basis. He referenced a federal lawsuit, NAACP vs. Columbia County, which resulted in a requirement that all candidates (in future elections) seeking election must reside in the area they are seeking election, and that only those in that particular residence area shall cast ballots for the particular candidate running in that area. That, he explained, is the reason we now have single member districts with commissioners being elected for a particular district.

TAB #3 - Powers and duties of the Board of County Commissioners are outlined in Florida Statutes, Chapter 125. Everything the County does is included in this chapter.

TAB #4 - The question asked many times of who sets the salaries of the County Commissioners was addressed. The practice of state law determining the compensation of all county constitutional officers was sanctioned by the Constitution of 1885, and has been maintained in Article II, Section 5, Florida Constitution, since the 1968 revision.

There are six components outlined in the information provided that explain the

methodology for calculating the commissioners' salaries. Williams reviewed the calculation method.

Dale Williams reviewed his position and the offices he oversees. He is hired by, and has a contract with, the Board of County Commissioners. He explained that statewide his position has various names and can possibly have quite different duties and responsibilities. The duties and responsibilities are to carry out the wishes, objectives, motions and resolutions of the Board.

In drafting a charter, the Commission is specifically required to determine the type of county managerial form of government, which include: (1) County executive form or the executive is elected form, (2) County appointed manager form, or (3) County Chair Administrator form. He explained the difference between manager, administrator and coordinator. In all cases, the administrator is hired by contract and has certain rights per Florida Statute. A county manager may, or may not have those rights, and he may, or may not have a contract. It is up to the Board who hires them. County coordinators are typically found in smaller counties, and they generally have a wide variation of job responsibilities and may or may not have a contract. Dale Williams stated he's has had a contract for approximately ten years.

TAB #5 - The budget is presented, by law, in generally accepted accounting principles. Therefore, the average person cannot fully understand the budget. Dale Williams reviewed a copy of the Fiscal Year 2001-2002 Tentative Budget and gave details of how it is set up.

The County receives money from three major sources: Constitutional revenue sources, Home Rule sources and Legislative sources.

TAB #6 - The ability of local government to raise revenue for its operations is narrowly constrained by the state constitution. No tax shall be levied except in pursuance of law. With the exception of ad valorem taxes and several constitutionally authorized state shared revenue programs, local governments are dependant on the legislature for the authority to levy any other forms of taxation. The two constitutional revenue sources that are available are ad valorem and the constitutional gas tax.

TAB #7 - Contrary to popular belief, the county's millage rate is not capped at ten mills. Counties have the authority to create municipal service taxing units (MSTUs). Through MSTUs, it is possible to levy an additional ten mills. Therefore, the effective ad valorem millage for any type of government is twenty mills. Columbia County, in addition to general millage, has a MSTU.

Williams made reference to a common comment that one half of the citizens of Columbia County do not pay taxes. He explained that is not true by reviewing the chart "*Counties Affected by the Just Value Provision of Section 212.055(2)(h), FS.*" More than half of the property in Columbia County is exempt; that is, homestead and government property combined.

TAB #8 - The Constitutional Fuel Tax, c/k/a fifth and sixth. The State provides this restricted funding, which consists of approximately 1.36 million dollars. This money may be used only for the acquisition, construction and maintenance of roads.

TAB #9 - Williams invited everyone to read the Revenue Sources based on Home

Rule Authority to gain a better understanding of what authority the County has to levy. He referenced Tab #10.

TAB #10 - Special Assessment are levied for fire and solid waste. Prior to this year an assessment was levied for emergency medical services. On the advice of legal staff, and after recent court rulings, the Board ceased levying the emergency medical service assessment. Williams acknowledged that the special assessments were challenged in the court system and several changes resulted. He also mentioned that each year the County has outside legal staff review the assessments to ensure the County operates within their guidelines.

TAB #11 - User Fees and Service Charges are likely the most common fees charged. Some examples are fees for obtaining a utility permit, tippage fees for using the landfill and costs associated with rezoning.

TAB #12 - Columbia County does not have a utility fee. There was once a franchise fee for cable television in the unincorporated areas. However, this fee was abolished last year by the State of Florida. The same amount of revenues are collected through the Communications Services Tax.

TAB #13 & #14 - Revenue Sources Authorized by the Legislature. Every county in the State of Florida has access to these revenues.

Half Cent Sales Tax - The increase in sales tax years ago, from five to six cents, was a strategy by the State to share the funding with the counties. That program was called the Half Cent Sales Tax Program. The money is allocated by a formula and is a significant revenue for Columbia County.

TAB #15 - Revenue Sharing was implemented by the State in 1972. It was created in an attempt by the Legislature to ensure a minimum level of revenue for units of local government. The share to each county is determined by a formula.

TAB #16 - The County Fuel Tax is state levied on motor fuel at the rate of one cent per gallon. Although this is a county fuel tax, it's not levied by the county. The proceeds are allocated in each county by the same distribution formula as used for the constitutional fuel tax. The County receives approximately six hundred eleven dollars annually.

TAB #17 - The money for Sales and Use Taxes is derived from entertainment, such as dog track races and jai alai. Beginning July 1, 2000, and in each fiscal year thereafter, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and the county shares with their school board. The amount distributed to each county is \$466,500. This is not to be confused with the local option sales tax (racing tax money).

TAB #18 - Mobile Home License Tax. This is a state tax in which the county is allowed to share.

TAB #19 - Insurance License Tax. This is a state tax in which the county is allowed to share.

TAB #20 - Alcoholic Beverage License Tax. This is a state tax in which the county is allowed to share. This is not a significant revenue.

TAB #21 - State Housing Initiatives Partnership Program ("SHIP"). This is an

extremely popular program in Columbia County, which was created by the state and is supported by documentary stamp money. This program assists eligible applicants in the purchase of a home. The funds are generally used for down payment, closing cost and rehabilitation.

TAB #22 - Emergency Management laws were completely re-written after the devastation of Hurricane Andrew. Williams explained that through a state levy, there was a surcharge placed on every home owners' insurance policy (residential and commercial). The money goes into a special fund and is later distributed to the county. There are certain duties the county must perform to receive those monies.

TAB #23 - Regarding Fuel Tax Refunds and Credits, when counties purchase fuel, they are required to pay tax. The County is then eligible to be reimbursed for the taxes paid.

TAB #24 - The Wireless Enhanced 911 Fee is a state imposed fee. The revenue collected is then put into a trust. The counties then may apply to receive a portion of the collected funds through grants. He added that there are restrictions as to what the money may be used for. To date, Columbia County has applied, but has never received, any type of funding from that particular trust.

TAB #25 - The County collects the Local Occupational License Tax by a Board adopted ordinance. The County collects revenue in the amount of \$25,000-\$30,000 per year from this tax.

TAB #26 - The 911 Fee was put into place by county ordinance. Dale Williams explained that the fifty cents fee is reflected on individuals' monthly telephone statement. The revenues are restricted.

TAB #27 - The Intergovernmental Radio Communication Program was also adopted by county ordinance. He explained that all civil penalties received by a county court pursuant to the provisions of Chapter 318, Florida Statutes, relating to the disposition of traffic infractions, shall be distributed and paid monthly as directed by s. 318.21, F.S. Pursuant to s. 318.21 (10), F.S., \$12.50 of each moving traffic violation must be used by the county to fund its participation in an intergovernmental radio communication program approved by the Department of Management Services. If a county is not participating in a program, funds collected must be used to fund local law enforcement automation. The money is collected by the Office of the Clerk of Court.

TAB #28 - Small County Surtax works similar to the sales tax but is collected by the county. Columbia County implemented this tax by an extraordinary vote of the Board of County Commissioners. The surtax is a major revenue source of approximately 4.5 million dollars annually. By law, the revenue is shared with the City of Lake City and the town of Fort White.

TAB #29 - Local Option Fuel Taxes. The materials contain a general description of the three taxes. Tab #30 addresses the first of the three taxes.

TAB #30 - The Ninth-Cent Fuel Tax (p/k/a "the Voted Gas Tax"). When this tax was initially enacted, it was by referendum. Since the referendum, the tax has been extended and added to. Revenue received is approximately \$600,000. Williams explained that there are some who think the ninth cent tax should generate the same

amount of money as it would if it were a local option. He explained the difference is the State charges various percentages for collecting the taxes.

TAB #31 - One to Six Cent Local Option Fuel Tax. When the tax was initially implemented, it was implemented on all fuel, including diesel fuel. Since that time, the State has equalized the tax on diesel statewide. Every county in the state has equalized taxes on diesel.

TAB #32 - The One to Five Cent Local Option Fuel Tax is the most recently enacted fuel tax. The county has this tax specifically earmarked for the construction of the bypass. This tax has a sunset provision that requires the tax cease to exist. Williams mentioned that unlike the other taxes, it is possible to reenact the tax, but it must end before being reenacted.

TAB #33 - The initial (\*)two pennies of the Tourist Development Tax in Columbia County was done by referendum. The Tourist Development Tax has been as high as three cents, but is currently two cents. Tourists or other persons renting hotels are the only persons subject to the tax. (*\*One penny was changed to "Two Pennies" at the February 19<sup>th</sup> meeting.*)

Dale Williams distributed a printout of the County's Combined Expenditures and explained that there are nationally recognized functions of government. The functions that are nationally recognized are: General Government, Public Safety, Physical Environment, Transportation, Economic Environment, Human Services, Culture/Recreation. Everything the county does can be supported by one of those categories. The printout reflected the Operating Budget, Capital/Debt Service and a total. The reflected numbers were: Operating - \$32,497,214, Capital/Debt Service - \$20,616,636. Once the total Reserves are added, the total Operating Budget of the County is \$70,181,619. Page two of the handout was reviewed. A budget breakdown for all programs, elected offices, and other divisions of the county was discussed.

Finally, Dale Williams briefly discussed the county's Annual Financial Independent Audit Report. His presentation concluded at 6:35 with his entertaining questions from the Commission.

Dave Rountree asked for definition on MSSD, MSBU, CTF and CCIDA. Williams responded Municipal Service Benefit Unit, Municipal Service Special District and Columbia County Industrial Development Authority, and County Transportation Trust Fund. Rountree suggested that the County refrain from using abbreviations as much as possible since the abbreviations are not commonly known.

Rick Bicknell recalled that he had asked Mr. Smith at the prior meeting about the financial condition of Polk County, and his response was, "we're in debt up to our eyeballs like every county." Rick Bicknell pointed out that the Budget Expenditures Handout reflects Columbia County is profitable to the tune of \$17,000,000. Dale Williams shook his head affirmatively. Bicknell asked, "Are those funds allocated for specific reasons, or are the funds available should the county have some type of emergency?" Dale Williams stated, "In my opinion, Columbia County is as healthy as they come." He feels that Columbia County is better off than many of the other counties he has contact with, in terms of reserve verses debt, and the total operating budget per capita. He stated that there is roughly \$9,000,000 in funds that could be tapped in to in

the event of an emergency.

There was a brief inaudible discussion of Ed Parker. When asked to speak a bit louder, he stated, "I was wondering if the people of Columbia County had an opportunity to vote on whether or not to do a countywide or not." Dale Williams responded, "No sir, that was a federal court action. The U.S. District Judge made that decision." Parker asked, "wasn't that a violation of the people?" The response was, "Mr. Parker, I don't know."

Wilton Terrell inquired as to the amount of the Sheriff's budget and whether it is totally funded by the County. Williams responded, "The State does not supply funds to operate the Sheriff's Department, except through an occasional grant. The Sheriff's Office is primarily funded by the County." Williams explained that the County budgets the Sheriff Department approximately 8.6 million dollars. Terrell commended Williams for a fine presentation and expressed appreciation for his straightforwardness.

#### Public Input

At 6:40 p.m., the Chairperson called for questions or comments from the audience.

H.L. Sistrunk addressed the Board and recalled a comment made by Rick Bicknell. He stated he believes the minutes should reflect that Bicknell said that there were "two" people that couldn't get in the courthouse for the last meeting, and "one" that couldn't get out. *(Note: The minutes reflected there was a problem exiting the building)* Sistrunk stated "There are some members on the Commission that seems to have the wrong opinion on why this Commission was created. Mr. Parker came up with the idea of a charter. He also came up with the idea of a petition to the Florida Legislature to have people assigned to this commission, not the County Commission." He informed the Charter Commission that they had been picked by the Board of County Commissioners, and informed them that if they had been at the meeting at the library, they would know that Commissioner Skinner was the only one who stated that he felt all members should come from the district the commissioners represent. Sistrunk feels members drawing salaries from tax dollars should not serve on the Commission. He added, "I don't believe the Legislature is the one that said that the elected officials could serve. I think it was the Attorney General's Office." Finally, he mentioned that any credit that is to be given for the development of the Charter Commission should be given to Ed Parker. Leandra Johnson thanked Mr. Sistrunk for his comments and responded that the Charter Commission has no authority to appoint or dismiss members. Also, she acknowledged Parker as being the driving force in the Charter Commission. Rick Bicknell responded to Sistrunk's opening comments regarding entering and exiting the courthouse. He clarified that he said, "Mr. Hill couldn't get in after we started the meeting, and Mr. Montgomery couldn't get out after we had finished." Sistrunk disagreed and felt like that may have been a violation of the Sunshine Law. Bicknell responded, "The problem is taken care of now."

Jeffrey Hill introduced himself. He recalled the question he asked the Chairperson at the first meeting regarding a conflict of interest by some of the

Commission members. He was of the opinion that if there is a problem with people serving with a conflict of interest, it should just be admitted. He pointed out that approximately half of the members serving work for the government. He asked if there were alternates appointed in the event that someone resigns. The response was, "No." He asked if someone dropped, if the Commission would move forward with fourteen members. Johnson replied, "Yes, I guess that is what would happen." Hill asked that a short and a long charter be considered for presentation, because a long charter will have more difficulty passing and a short one would be easier to understand. He concluded that there is obviously a conflict of interest, but nobody wants to admit it. Johnson reiterated that the members do not have the authority to appoint or dismiss anyone from the Commission. She stated that she would rather believe that the length of the charter would not matter as much as the quality.

#### Other Input

Delton Turberville offered the following information to address a couple of Hill's concerns: Per Florida Statute 125.61, persons who are not eligible to serve on a charter committee are county commissioners and members of the State Legislature. He concluded by saying that should a vacancy occur, the Board of County Commission shall fill that position in the same manner that the Charter Commission was created.

David Willis thanked Dale Williams for the excellent presentation. He was of the opinion that anyone drawing a salary by tax funds should not serve on the Charter Commission, but stated nobody has the ability to know a man's heart. Although he believes it appears some commissioners serving on the Board have a conflict, he recognized the fact that those same people that "appear" to have a conflict are also taxpayers and citizens of this county. He concluded by saying that only the individual themselves know their own heart. If they know they can be fair, then let them serve. But, if it becomes obvious that one has set out to undermine the intentions of the Commission, or cannot be fair then he/she should resign.

#### Additional Input

H.L. Sistrunk said *(verbatim)*, "You keep talking about spending money, but now, the County Commissioners back in 1992 forced this curbside garbage collection on us. That got a suit brought against them. They spent between \$90,000 and \$100,000 fighting the lawsuit. So you shouldn't be concerned about \$4,000 or \$5,000 you might spend on this Charter. I think you should go back to the School Board building myself. And, this Kurt Spitzer, Isn't he the one that came from Tallahassee the first time on the stage over there?" Leandra Johnson responded "yes." Sistrunk added, "Well, he is the one that said no changes, or very little changes in the charter. Why are you putting anything in it, if you aren't going to make any changes, or very little? That's what the County Commissioners want. They don't want to lose their control."

Coy Williams also commended Dale Williams for a fine presentation and for the volume of information provided. He offered that one of the largest problems in the county is communication. He was of the opinion that the initiation of the Charter Commission may have never been necessary had the County Commission communicated

thoroughly with the citizens. Regarding the budget presentation, Coy Williams suggested that efforts be made to not use acronyms, but if it is necessary then have a reference available. Coy Williams mentioned that he feels Ed Parker deserves a lot of credit for having got Columbia County to the point of a having the Charter Commission created. He noted that Parker had done a lot of footwork in collecting charters from other counties, and also created one himself. He felt it would benefit the Charter Commission to take the best of each charter and create a charter for Columbia County. He also suggested that the Charter address a method for redistricting after each census.

The Chair made a final call for input from the public. There being none, the Commission moved on to unfinished business.

### Unfinished Business

Rick Bicknell referenced the three consultants discussed last month. Bicknell asked Tom Brown if he had had the opportunity to research further. Brown responded affirmatively. He advised that he spoke with, and felt like Nabors would do a fine job for the Charter Commission, but he did not pursue any further because Ed Parker had made mention of a person he would like for the Commission to consider. Tom Brown encouraged the Board to take some form of action during the course of the meeting so that they could proceed with the process.

The Chairperson asked Mr. Parker if he had spoken with the consultant he had mentioned at the last meeting. Parker responded that he had spoken with the consultant, and was advised that it would be a waste of money to retain the services of a consultant. Also, he stated that he was informed that with such a large number of people on the Board, there should be an abundance of knowledge as to how a charter works. Parker mentioned the mass amounts of information provided should be sufficient enough for the Commission to draft their own charter without the added expense of a consultant.

Tom Brown responded that it is the Commission that will draft the proposed charter. However, an experienced consultant would only enhance the work product by offering his knowledge and guidance. Further, there are state grant funds available to assist with the cost of a consultant. He also mentioned the contract could be terminated at any time.

**Motion** by Tom Brown to engage the services of Mr. Kurt Spitzer on the terms and conditions presented at the previous meeting was seconded by Delton Turberville.

Ozell Graham expressed that he would like to hear from the citizens of Columbia County. He wants to know how they feel, and what they want. He mentioned that a poll be taken to receive input. The chairperson responded that those are the types of issues that a consultant would certainly be able to assist with. She mentioned that there may already be formulated questionnaires that can be used, rather than reinventing the wheel. In addition she added in order to get correct results, a person must follow a scientific formula. Willard Terrell agreed that the "people" must provide input. The Board agreed that input from the community should be obtained.

Rick Bicknell gave clarification on the motion stating that the motion would bring in a consultant to help with procedure, not with the drafting of a charter.

## Other

Wilton Terrell expressed his concerns regarding the influx of postal mail and e-mail from Polk County. He asked why it's happening and wanted to know who is pushing it. Terrell expressed concern that it appears that there is a county attempting to influence Columbia County. Several of the commissioners expressed similar concerns and added they would not be influenced and would appreciate the flood of mail cease.

Ray Walker expressed the same concerns, and encouraged everyone to research records and police reports in Polk County to find out exactly what type of character Mr. Smith (no first name provided) is. Finally, Walker stated that it was his understanding that the Commission is to do a study to determine what the county is doing wrong, and what the county can do to improve. A study would provide public input.

Regarding Mr. Smith and Walker's comments, Ed Parker informed everyone that he had researched the character of Mr. Smith and has found that Mr. Smith was blackballed in Polk County because of his involvement with charter government. Mr. Parker stated that in his opinion, approximately 99 % of all allegations are false. He also addressed the mail everyone was receiving by saying the mail does not violate the sunshine law. Parker stated several members of the Commission have refused to meet with the people. Parker stated, "We've contacted one thousand people who've signed the petition in this county, who want a charter for the people. And, we're not through. We're trying to get the entire county, not just a few." He concluded that everyone should do as he has done by contacting the "people" and getting their opinion. He also noted that for the one thousand people contacted, everyone has been interested.

Dave Rountree, for clarification of Brown's motion, stated it's his understanding that the Commission's prime objective is to complete a comprehensive study of the operations of county government. He asked if the consultant would actually do the comprehensive study, or would the Commission? The Chairperson responded that is precisely the types of questions that a consultant will be able to answer. Johnson continued that there will be several issues, such as legal questions that a consultant will be able to offer assistance with.

Johnson reminded the Commission that at the last meeting, authorization was given by a unanimous vote to authorize her to proceed with having a consultant who would assist with the Commission's goal. She clarified that Browns motion addresses a specific consultant.

Mario Cappock gave the following analogy: "This is a contract, and I don't know how to write a contract. Therefore, I'd hire someone to help me write the contract.

The **motion** carried 14-1, with Ed Parker opposing. Dale Williams was asked to have staff contact Leigh Ann Root to obtain information in applying for a grant to assist with the cost of hiring a consultant.

Delton Turberville let it be known that he, too, had been contacted and declined the invitation to meet with 50-55 unnamed people to discuss the charter. He informed the contact person that the monthly meeting was the place to come and discuss the charter. It's Turberville's understanding that the group intends to meet with each Commissioner.

In the November meeting a motion was passed to amend Rule 5. It related to supporting documentation of the current agendas be made available to the public at each meeting. Turberville feels this was a mistake because it has placed an undue burden on the staff to make copies, and there is no way of knowing how many copies will be needed. He advised that F.S. 119.07 provides a fee to be charged for the records.

**Motion** by Delton Turberville, "I move that Section 5, as amended in the November meeting be rescinded, and the rule revert to the October writing". Second by Rick Bicknell.

There was a call for discussion. Turberville used the large notebook provided by Dale Williams as an example, "Placing this large book on the website would place a large burden on county staff. F.S. defines the procedure a person would go about obtaining the copies." Ed Parker disagreed stating the people of the county pay taxes, and therefore have a right to know what is going on in their county without being charged for the information. The Chair asked Turberville to restate the exact language of the original Section 5. Turberville stated that he did not have the exact language available. There was discussion. Several members of the Commission voiced their opinions. Tom Brown suggested the matter be tabled until the next meeting. The Chair asked Turberville if he would consider withdrawing his motion until the Board office can provide figures relating to the cost involved in making copies, and until the exact language of Section 5 is available. Turberville withdrew his motion until the February meeting and stated, "You're asking the Board Staff for a figure that they cannot supply, because if they make twenty copies and twenty-one people arrive, the twenty first person may feel discriminated against". The Chair asked Dale Williams to provide the cost information at the next meeting.

#### Next Meeting

The Chair announced the next meeting as February 19, 2002 at the courthouse.

#### Miscellaneous

Dave Rountree mentioned the activated charter link to the County's website. He asked if there was an established time table as to when agendas and minutes would be posted. The Chair asked if it was possible to have the approved minutes posted to the web in 24 hours. Sandy Markham and Lisa Roberts felt 48 hours would be the normal amount of time required.

#### Adjournment

There being no further business, the Chairperson closed the meeting at 7:35 P.M.

ATTEST:  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairperson

P. DeWit Cason

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY COURTHOUSE  
COURTROOM NUMBER 3  
145 NORTH HERNANDO STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**DECEMBER 18, 2001**

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- 5:30 P.M.    \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.    \*Mr. Dewey Smith  
                  Former Member of Polk County Charter Commission
- 6:05 P.M.    \*Jeff Thompson, Compel Studios  
                  Web Page Presentation
- 6:35 P.M.    \*Remarks of Interested Citizens
- 6:50 P.M.    \*Unfinished Business
- 7:00 P.M.    \*Establish Next Meeting Date/Location  
                  \*Adjourn

# Columbia County Charter Commission

December 18, 2001  
5:30 P.M.

The Columbia County Charter Commission met in a regularly scheduled meeting at the Columbia County Courthouse.

## ORDER

The meeting came to order. Rick Bicknell opened with prayer, and the Pledge of Allegiance to the American Flag followed.

## ROLL CALL

Sandy Markham, Deputy Clerk for DeWitt Cason called roll.

### Members Present:

Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairperson), Jim Poole, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock, Ozell Graham, Tom Brown and Rick Bicknell.

### Members Absent:

Delton Turberville was not present due to a work conflict. Leandra Johnson announced her expectation of his late arrival.

## MINUTES

Leandra Johnson advised that Delton Turberville requested, by way of email, that the Commission delay the approval of the minutes. The request was granted.

## GUEST SPEAKER

At the request of Ed Parker, Dewey Smith was invited to be a guest speaker. Chairperson Johnson noted that Smith was a former delegate to Democratic National Convention Chairman of the Rules Committee for Florida. He is also known throughout Polk County as a citizens activist and also serves as Chairman of the Polk County Home Rule Charter Commission. She noted that Polk County is the only known committee to utilize the county charter to reduce commissioners' salaries by fifty percent. She recognized that Mr. Smith's knowledge of charter government is such that he was invited in June 2001 to speak to the Polk County Charter Commission about four different charter related topics. Smith is co-founder of Citizen's Law Enforcement Watch and is a Veteran of World War II.

Mr. Smith opened by recalling a quote of John F. Kennedy – *"In giving rights to others which belong to them, we give rights to ourselves and to our country."*

Smith spoke regarding his experiences as a citizen activist in the Florida county charter process. He was of the opinion that the charter commission started in Polk County with a group of citizens who were tired of being treated second class. These same citizens were also concerned with the long term problem of snafu elections, and corruption. They felt that by creating a county charter it might be possible to hold county politicians accountable. He gave a history of the commission, and addressed a few of it's trials and triumphs.

He addressed their newly appointed charter commission and explained that they each had strong political ties. Specifically, the Tax Collector and his largest financial contributor were appointed to serve. The Sheriff's Chief Executive Assistant, who was also the departmental Information Officer was appointed also. There was also a school board member, a former City Mayor, and other former political candidates, aspirants and supporters.

After the commission was appointed, they were briefed by the county attorney. Shortly afterwards, the commission heard presentations from Attorney Kurt Spitzer and Attorney Ken Van Assenderp; both who claimed to be experts on charter government. In the meantime, Attorney Allen Watts was hired.

Smith stated that following the appointments, the Polk County Commission heard from a string of agenda'd politicians who he felt was prejudice against charter government. He also mentioned that there were citizen representatives (Attorney Phillip Kuhn and Russell Hancock) who were given the opportunity to address the commission for a limited time. He noted that they were the most qualified independent experts possibly in the State of Florida. Smith voiced that he would take this opportunity to say some of the things they were not allowed to say. They were:

Citizens were given initially, three minutes to speak at meetings. Later they were given five minutes each. The record keeping was extremely inadequate. He felt some of the commissioners had denied Christ.

Smith moved on to say that a proposed charter document started to take shape. He mentioned a section titled "Powers Reserved for the People." According to Smith, this section was designed to give the people the ability to hold the politicians accountable. It also was supposed to guarantee the citizens' right to decide issues for themselves through initiatives and ballot referenda. If written properly, the people could rely on their own ordinances and amendments, which they would be able to write. This is also the section that tax cap powers, recall, ordinance and amendment powers were suppose to be possible. He mentioned that the citizens of Polk County learned from consultant Spitzer that because of a successful court challenge in another charter county, capping and freezing taxes was not possible. They also learned that the requirements for recall under a charter, had to be the same as those of the state, which was impossible. He therefore felt that the promise of being able to cap, or freeze taxes, and recall politicians was a bait and switch con.

He expressed feelings of betrayal, but added that ordinances and amendments through the initiative process were possible. However, the challenge was to get the charter commission to make the petition requirements low enough to be practical.

He noted that he had provided several exhibits in the binders presented. (See the attached binder). Exhibits included the text he was reading from, a copy of the August 30, 1988 Ledger Editorial relating to items he was discussing, and finally, a copy of the

Columbia County Grand Jury Handbook and a verbatim transcript, in full context of the statements made to the commission by Ken Van Assenderp on November 20, 2001.

He was of the opinion that the honors bestowed on a grand jury and the honors bestowed on a charter commission are very similar. He feels that a charter commission should have the same virtues as those outlined for a grand jury. He suggested the commission make themselves familiar with the book.

Smith encouraged the Commission to ask themselves questions such as:

Are we resolved to having the best charter no matter the time, or funds it takes to do so?

Do we have an office accessible to the public with telephone, facsimile, internet, staff, etc.?

Does a professional stenographer record and maintain detailed minutes. Will we hire court reporters when needed?

Are we operating under the latest edition of Robert's Rules of Order? Has a commission repository for all communications relating to charter commission business been established?

Has consideration been given to hiring a professional consultant and attorney, and has consideration also been given to retaining state and national independent experts to challenge the prejudicial opinions that the consultant, attorney and other partisans are sure to inject into the proceedings?

In the course of our studies, will we hire an independent scientific survey company to learn what the people want most, and have the courage to act upon it?

How much is an accurate written accounting of our involvement in this historic event, and the full truth worth to the future generations?

Have we hamstrung the citizens and ourselves by agreeing to the supermajority two thirds vote rule?

He referenced Ken Van Assenderp's presentation at the November meeting. A verbatim transcript of Assenderp's presentation was provided to the Commission by the Polk county based Citizens for Truth in Government Association.

Smith recalled a statement of Assenderp - *"With the exception of a charter county being able to set utility taxes, there is no other difference between what we have now, and a charter county."* Smith advised the Board that he disagrees with the statement, as does Carl Strang, a former charter commissioner and current charter review commissioner.

According to Smith, per Carl Strang, under a charter, the very structure of county government can be changed by bringing the so-call "constitutional officers" under the charter as charter officers. He added this is not something that can be done under state home rule. He paraphrased that Strang said *"This is also something that the constitutional officers would have us believe is not so; but it is so. The constitutional officers, along with their lobbyist (such as Assenderp), speak against it because to be brought under the charter would mean that they would lose their power. It would mean that they would be held accountable, not just at election time, but all during their tenures of office, and could also mean having their high salaries drastically reduced."*

He spoke regarding the ordinance and amendment petitions. He feels that the Polk County Charter might be an instrument for good, if the commissioners would set the

ordinance and amendment petition minimums to a realistic figure. However, they did not and the Ledger Editorial Department reported it as a sham. He also mentioned that the citizens became angered when County Commissioner Nancy Hedrick eventually made a public statement that she had picked individuals to serve on the charter commission that she knew would work against the charter. The citizens quickly learned of the two-faced hypocrisy of the commissioners. Another thing he reported angered the citizens was when the charter commission refused to consider a survey as to what the people wanted. However, he reported the commissioners changed their minds' and hired a specialist at the cost of \$12,000 to conduct a scientific survey, when they came under the scrutiny of the Ledger Editorial Department. He stated that the survey showed that the people wanted more than anything else, for term limits to be set for all constitutional officers and to reduce salaries of the county commissioners. Ultimately, the two items made it the ballots and it passed overwhelmingly.

As he brought his presentation to a close, he expressed that he feels that clearly, the most important issue is petition requirements for ordinances and amendments. He stated that if the Columbia County Charter Commission diminishes the effectiveness of the charter by imposing a minimum petition requirement higher than three per cent as other counties have, they would be doing an injustice to the cause of charter government. Also, he was of the opinion that the process should be made easy for a citizen to get an ordinance or an amendment on a ballot.

He concluded his presentation by again quoting President Kennedy – "The rights of every person are diminished when the rights of just one person are threatened."

He encouraged each of the commissioners to preserve the spirit of charter government, and to prove themselves champions of the people by giving citizens a realistic chance to decide what is best for themselves.

Chairperson Johnson thanked Mr. Smith for his presentation and called for questions or comments from the commission.

Ray Walker asked Mr. Smith if when commissioners' salary was decreased, whether or not it improved the service the people were receiving, and if it saved the taxpayers any money. Smith responded that it certainly did not improve the service, but it did save the taxpayers money. He added that since the salary cut, all the commission done was complain that they did not make enough money, or have enough time. Instead of the Board of County Commissioners meeting every two weeks, they began meeting once a month. He personally felt that if a commission doesn't have time to serve for \$34,000 per year, they should resign their position. He stated there are a lot of people in Polk County that would like to have that salary. He noted the money amounted to \$1,500 each time they meet. He also felt if the salaries of commissioners were zero, and the constitutional officers salaries were cut in half, the counties would still be better off because the positions would be filled with honorable people who truly cared about serving the community, not about the large salary.

Dave Rountree referenced a comment made by Mr. Smith that having a tax collector serve on the commission is a conflict of interest. Mr. Rountree advised that Florida Statutes does not preclude a tax collector from serving on a charter commission. He asked Smith how he viewed it as a conflict. Smith responded that he feels an elected official who is appointed to serve doesn't have the objective of the people in mind.

Tom Brown asked Smith to list the four most important things that should be included in a charter. Smith responded the first is to make the requirements low enough for the people to get it on the ballot. The second would be to bring all county officers under the charter. Third is to have a charter review commission appoint every four years, and the fourth, which is one of the most important, is to downsize the county government in every way possible. He suggested the downsizing include doing away with constitutional officers, and making them department heads. He stated that the constitutional officers don't do anything a department head can't, or doesn't do.

Rick Bicknell asked if Polk County is a profitable county, or if they are in debt. Smith responded that they are in debt; just like every other county.

Dave Rountree asked Smith to list four things that they've found should not have been included in the Polk County Charter. Smith responded with two. One is that the initiatives requirements are too high (currently at 7%), and secondly they neglected to insert a provision for recall of a public officials.

Mr. Smith's presentation concluded at approximately 6:15 P.M.

See the attached exhibits: Mr. Smith's complete presentation, Ken Van Assenderp's presentation at the November 2001 meeting, Charter: Small Improvement Ledger Editorial from August 1998 and the Florida Grand Jury Handbook.

### Compel Studio

Jeff Thompson of Compel Studio gave a brief presentation regarding an extension to the Columbia County web site ([www.columbiacountyfla.com](http://www.columbiacountyfla.com)) for the Columbia County Charter Commission. The Chairperson stated that the Charter Commission has expressed a desire, and feels it will be beneficial for the public to be able to **access the internet to read minutes, review agendas and know of upcoming meetings**. There was also discussion that **the bylaws and resolution** regarding the creation of the charter commission should be posted as well as other specifics. Thompson gave a demonstration as to how the web site would work on an overhead projector. He left a business card with the Commission and invited them to call and offer input as to how the site should be developed and items to be placed on the site.

There was a brief discussion regarding the **email address** for the Charter Commission. Mike Null expressed the need to have an independent address for the Charter Commission, and that all questions, comments and information submitted via email should be brought back before the Commission for consideration. All seemed to be in agreement.

Motion by Rick Bicknell to move forward with the web site. Second by Wilton Terrell. Ed Parker inquired as to the cost of the web site. The response was \$1,430. The motion carried unanimously.

The Board expressed that they would like to see the site available as soon as possible. Leandra Johnson advised she would contact Mr. Thompson the next day.

**Public Input** – The Chair encouraged citizens to come forward and offer input.

Coy Williams again commended the Charter Committee for their undertaken. He again expressed that he hoped the Charter would be written for the generations to come. He encouraged the Commission to **write a charter** they feel the **people would agree to**. Williams advised he agrees with Mr. Smith's comment that **salary cuts** would save money, and would result in genuine people running for public office without the motivation of money. He also feels limited terms would be a positive move.

Hewey "H.L." Sistrunk asked, "Now, this **web site**, can you draw it out and put it on a printer. Leandra Johnson responded that once items are pulled up on the web site they can be printed. He asked if it were possible to have a **video tape** made of each meeting since there are some people who are poor readers. He advised that he recently **purchased a tape recording** for five dollars of the first meeting of the Charter Commission and the **Board of County Commissioners**. Ms. Johnson asked if he was speaking of a video or a cassette. He responded, a video tape. He asked if Ms. Johnson could have a cassette tape put out to the public at a cheaper rate than five dollars. Ms. Johnson responded that if a citizen requests a copy of the tape, she would be happy to look into what it would cost to duplicate the tape. Deputy Clerk Sandy Markham responded, "**The Clerk's office duplicates their own tapes in-house at a minimal fee of five dollars**. This fee covers the cost of a high quality cassette, plus employee time." Lisa Roberts added anyone wanting a **tape professionally duplicated will pay approximately twenty-five dollars**. Sistrunk asked if the Clerk of the Court could make five copies of the taped meeting, and check them in and out to the public so they might be able to take a tape home and duplicate it themselves. Ms. Johnson advised that she would check with the Clerks Office. Also, Sistrunk stated, "This Robert's Rules of law, I think ya'll should have **roll call** when you **vote**. Have each one raise his hand." Chairperson Johnson responded that each time the commission votes, there is a raising of the hands by each commissioner. Sistrunk replied, "they need to say they voted for, or against it individually; not all at once. A roll call. Finally, Sistrunk inquired as to whether or not once the **public officials** are brought in (to learn more about county government), if the **public would be able to ask questions of them**. The response was that the format has not been established yet.

Russell Hancock (not a Columbia County Citizen) voiced his hope that Columbia County would be a **model** for the rest of the state. He offered brief input, and stated that he was there to bare witness to everyone, that the words stated by Mr. Smith in the presentation is the absolute truth. He concluded by assuring the commission that he, along with Mr. Smith and others are going to do everything within their powers to assure the **Columbia County Charter Commission** they will **have** all of the **publicity** they can manage, and put Columbia County in the spotlight.

The Chair made a final call for public input. There being none, the floor was closed to the public.

## MEETINGS

Ed Parker stated he would like to know from the audience, their feelings of whether or not the location and times of the meetings are sufficient.

Wayne Williams offered that there are people that work out of town that cannot make it at 5:30 P.M. Also, he stated that the County should investigate to determine whether or not financially, the courthouse was the best place to meet.

Essentially, the Commission had the same discussion as they had in the past. No particular time is the "best" time for the entire community. Ms. Johnson added that the next three meetings were set by motion, to have the next four meetings at 5:30 P.M. at the courthouse, and the Board has plans to consider different times for further meeting dates. Finally, she advised that the cost issue has been discussed, and it was determined that the courthouse is the most cost efficient.

## CONSULTANT

The Chair asked the Commission to recall at the last meeting, it was agreed that the Commission would look into the hiring of a consultant to provide input and offer advise. She advised that Tom Brown, at her direction has looked into possible consultants/advisors for the Commission's consideration.

Tom Brown advised that he gathered from Lee Ann Root of Florida Counties Foundation, the names of persons who might qualify to serve as a resource person, based on their experience and qualifications. He advised that he also spoke with Attorney Bob Nabors from Tallahassee to obtain names. Unfortunately, he advised that there are not a lot of people who actually specialize in advising Charter Commissions. Nonetheless, Mr. Brown recommended that **Kurt Spitzer** (From Tallahassee) be considered by the Commission to **serve as advisor**. He mentioned that Spitzer is currently serving as the consultant for the Polk County Charter Review Committee. Brown asked Spitzer to submit a written proposal.

He noted that he feels it is important that the advisor be nothing more than an advisor. That person shall take direction from the Commission, and the Commission will "consider" the advise offered.

Ed Parker suggested that other proposals be sought and considered. Tom Brown reiterated that this is a limited area, but he would be happy to get Larry Arrington, Alan Watts and Bob Nabors to submit a proposal. Parker advised that he had a name he would like considered and would submit information to Brown before the next meeting. No action was taken by the Commission.

## OTHER

Rick Bicknell expressed concern that there was a problem with citizens being able to get into the building and out of the building at the last meeting. The response was that the problem has been taken care of. The bailiff's will assist with entry and exit of the building.

## NEXT MEETING

The Chair reminded everyone that the next meeting was established for **January 15, 2002 at 5:30**. That meeting will also be held in the courtroom.

MINUTES – Ms. Johnson noted that Mr. Turberville had not yet shown for the meeting, and therefore she asked that the minutes be considered. It was mentioned that Delton Turberville's concerns expressed at beginning of the meeting had nothing to do with the content of the minutes.

Motion by Seeber Johnson to approve the November 20, 2001 minutes as presented. Second by Wilton Terrell. The motion carried unanimously.

ADJOURNEMENT

There being no further business, the Chairwoman declared the meeting closed at 7:10 P.M.

ATTEST:  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairperson

\_\_\_\_\_  
P. DeWit Cason



# Charter Government Committee

**November 20, 2001**

**5:30 P.M.**

The Charter Government Committee met in a regularly scheduled meeting at the Columbia County Courthouse on this date.

Chairperson Johnson called the Charter Committee meeting to order. Emory Bailey opened with prayer, and the Pledge of Allegiance to the American Flag followed.

Members Present: Wilton Terrell, Emory Bailey, Richard Weizenecker, Ray Walker, Leandra Johnson (Chairwoman), Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Ozell Graham, Tom Brown and Rick Bicknell.

Members Absent: Mario Cappock.

## **Approval of Minutes of October 16, 2001**

Delton Turberville made a motion to approve the minutes of October 16, 2001. Second by Wilton Terrell. There was no discussion, or request for corrections to the proposed minutes. The motion carried unanimously.

## **Invited Guest Presentations**

Chairperson Johnson introduced Attorney Ken Van Assenderp. The law firm in which Mr. Van Assenderp is associated with represents a variety of governments throughout the State of Florida. In particular, he is very familiar with Florida Constitutional Law, Government Home Rule and Special Purpose Local Government. He also has expertise in legal matters dealing with Home Rule; both charter and non-charter types of government for a variety of clients.

Mr. Van Assenderp distributed a handout, and opened his presentation by making the following statement:

*"If your interest is to deal with two subjects, you can only deal with those two subjects through the Charter. One is to mandate in the Charter, that a County ordinance will prevail over a municipal ordinance. Otherwise, the municipal ordinance will remain in force, as to anything today in Columbia County that is inconsistent with the County ordinance. But, if you want to put into the Charter, that the County Ordinance will prevail, you must first have the Charter. Secondly, if you*

*want to take advantage of the opportunity to do what municipalities are able to do within their own boundaries; that is to levy a municipal utilities tax outside of the municipal boundaries in the unincorporated area, then you will need a Charter to do so. Third, if you're not interested in either of those two things, there is essentially no difference between the Home Rule already in place today for Columbia County, and the Home Rule you may have under a Charter. That, he concluded is the bottom line summary."*

Mr. Van Assenderp distributed a handout consisting of four attachments, which he reviewed in detail. A copy of the handout is attached to the record copy of the minutes. A brief summary of his presentation:

*Duties of a Charter Commission:* Per Florida Statute 125.63, the law requires that you must produce a charter. It also requires the Commission to conduct a comprehensive study of the operations of County Government, and determine how it might be improved, or reorganized. He suggested a thorough study be done first and foremost.

*Home Rule and Charters* – He explained that many times there is confusion about what charter government is, and its relationship to home rule. Having a Charter does not give the county home rule. Columbia County is now operating under, and has operated under home rule since 1968. Home rule resulted when the qualified electors of Florida, provided in their 1968 Constitution that the county government does not have to seek a specific law written by the Florida Legislature as justification for any action. Prior to 1968, Columbia County's power was limited.

A charter simply provides an alternative way to list the powers under home rule of a county. This does not grant or give home rule in Florida. It is an alternative listing of the powers available to the Board of County Commissioners and its staff. The other alternative is the general law of the Legislature, Chapter 125, Florida Statutes, by which Columbia County exercises its home rule power. Simply put, the people of Florida have said that all counties should have home rule. That they can create any type of law they want/need as long as it doesn't contradict the Florida Statutes, or violate anyone's constitutional rights. The citizens of each county can decide whether their home rule should be exercised by the provisions of Chapter 125, Florida Statutes, or alternatively by the provisions of a charter written for a particular county. He cautioned that at times, a charter home rule may not be as broad, and is more limited than the kind of non-charter home rule Columbia County has today. He concluded this part of his presentation by stating that scholars will concur, that many charter counties do not have as broad and liberal home rule as non-charter counties do. He was of the opinion that many times when a county begins writing a charter, they begin restricting their powers.

*Technical Differences between Broad Liberal Home Rule Under Existing Law, and Home Rule with a Charter* – Vann Assenderp explained that there are eight technical differences to consider about the change from home rule without a charter, to home rule with a charter. They were:

1. A charter may provide in the event of a conflict, whether a county ordinance would prevail over a municipal ordinance which non-charter home rule does not authorize.
2. Charter government is not automatically bound by a special act of Legislature, whereas non-charter counties are bound by any special act.
3. There are some taxes which county governments under non-charter home rule may not enact in their unincorporated areas, but which a charter from of home rule may levy.
4. The composition of the County Commission, the numbers of county commissioners may be changed in charter home rule.
5. A county charter may abolish one or more state constitutional county officers upon transferring those state duties to another office. Also, in a charter form of home rule, a charter may provide whether the Clerk of Circuit Court shall also be ex officio Clerk of the Board of County Commissioners, auditor, recorder and custodian of all county funds.
6. A charter may provide that by petition, an ordinance may be written which is not authorized for non-charter home rule counties. Once a charter is approved, its amendments can be provided to be by petition as well if that is put into the charter.
7. A Charter may also provide the availability of recall of county commissioners by the public through charter procedures. There are still some unresolved issues regarding whether the recall would also be available in a charter county for non-charter constitutional officers, but the better view of the law is that that provision is not available.
8. Home rule under F.S. 125 (without a charter) is the broadest, most unlimited possible home rule available, because the Legislature has so provided under the authority of the constitution. Much case law has been built up to bolster this broad non-restrictive home rule that is now in place in Columbia County. The Legislature may, at some time in the future, restrict this broad power. In such an event, the voters may elect at that time to adopt a charter.

He reminded the Committee that Section 125.63, Florida Statutes, requires them to review the "operations" of the county government as it exists today, and identify the way in which the "conduct" of the county government might be "improved, or reorganized." Therefore, it is the Legislative intent that the proposed charter be equipped with details of how the government might be improved or reorganized by adopting a charter. As a result, a comprehensive study must be done. After a study has been complete, it must be determined whether or not the differences between charter and non-charter home rule are important enough to put in a proposed charter. If you find that they are not, then there is no practical need for a charter. He proposed the question, "do you need a new home rule; have you taken advantage of the home rule you have in place now?"

He shared this thought: Proponents and opponents of charter and charter amendments for the most part are sincere. However, once the time approaches to vote on the charter, or amendments, the debates become more emotional. He cautioned that after

all the hard work is put into creating a proposed charter, the only thing that will have happened is that there will be an extreme increase in cynicism within the citizens, and the purpose is defeated.

He urged the Committee to generate confidence and faith in their work product, and to adopt a provision to disclose to the voters, realistically, what a charter provision means before a vote.

His review of the four handouts (attached) concluded with his disclosure that he very much supports, and is in favor of home rule, but really doesn't care if there is a charter in place because many times it places more restrictions on the county. He asked again, "Are you exercising your power with home rule?"

He disclosed that he is general council for Florida Tax Collectors. Finally, he advised that he could backup any information provided.

There was a time of questions and answers:

Ed Parker asked, "How do you exercise home rule, when the commissioner ignore everything the people have to say?" The response was, "that has nothing to do with charter. That problem exists in charter and non charter counties. That has to do with who you elect." There was discussion. Mr. Parker asked if the information presented was his opinion. Mr. Van Assenderp replied, "Absolutely not. I disclosed all facts other than the one opinion just moments ago." The two came to an impasse as Mr. Parker expressed his belief that if a charter is in place, salaries can be controlled. Mr. Van Assenderp replied, "no more than you can control them now." Mr. Parker responded that by circulating a petition, the people could regulate the charter, and the salaries of the constitutional officers. Mr. Van Assenderp advised that it would take the positions being abolished, and making the positions charter officer petitions. He questioned why anyone would want to spend that much money in placing the tax burden and political headaches on the county, when it is now a state function. Because, if that happens, then the State of Florida tells the county what to do, because it is still a state function, and all of your commissioners will work for the Department of Revenue. Van Assenderp encouraged that state matters should lie with the state.

Mike Null asked, if at the conclusion of the comprehensive study, the Board finds the best action to take is to do nothing, is the Charter Commission required to present a proposed charter, or can everything be stopped. The response was the resolution provides that once the charter commission is started, by resolution it should go to a proposed charter. However, he added, there is nothing in the statutes that forbids the BCC from withdrawing their resolution after the comprehensive study is concluded, and before writings begin. He suggested the BCC seek an AGO.

There were other questions and answers. The results were:

The Charter Commission shall conduct a comprehensive study of the operation of "county government, and ways the county government conduct and it's functions might be improved, or reorganized." County government is the County Commission, not the constitutional officers. Constitutional officers fall under state government.

By having a charter home rule, there should be no withholding of government funding. There is a possibility the county may receive more.

Lee Ann Root, Assistant Executive Director of Florida Counties Foundation (Tallahassee) gave a brief overview of the foundation, and provided information on available programs and assistance for Columbia County.

She explained that the foundation was created by the Florida Association of Counties in 1990. The Association lobbies before the Legislature for county interests. The foundation also provides education and technical assistance to counties across the state. In particular, the Foundation oversees the Small County Technical Assistance Service Program through the Circuit Writer Program. A handout was distributed which provided additional information about the Small County Technical Assistance Service Program and the services offered. See attachment.

She advised that their legislative charge is from Florida Statute 163.05, which states that the Program shall assist small counties as they begin facing limited financial and staff resources. She offered that the Charter Commission may choose to seek assistance with the Comprehensive Study. She advised that they may be able to assist the County financially with the cost of staffing assistance. She advised that generally, \$3,500 will be paid for this type of service. She informed the Committee that the request would have to come through the Board of County Commissioners. In addition, she advised that if they need information on other items, such as charters from other counties, they could help in that area also.

Other information provided by Ms. Root as a result of questions asked by the Charter Committee:

- It is unlikely that the mentioned funds could be used to educate the public on the difference between charter and non-charter governments. Generally the funds are not used for any types of lobbying.
- A map was provided of the counties in the Small County technical Assistance Services Program. See attached.
- Small County funding should not be effected by the type of home rule the county elects.

The presentation of Mr. Van Assenderp and Ms. Root concluded.

The Chairperson offered the public an opportunity to speak.

H.L. Sistrunk asked two questions: 1) "If we go to a charter, can we have the county-wide, election on whole type?" Mr. Van Assenderp replied that there are provisions for reorganization. However, he would rather review the information and write the chair regarding his findings. 2) Because one commissioner will not handle the issues of another commissioner, in another district, Mr. Sistrunk asked, "Can we have a Supreme Court for them to answer to; that you go to? You know, someone that is not paid, someone that everyone would respect." He asked if it were possible to have a commission, or a committee to handle grievances if the county commissioners will not do what they are supposed to do.

Ray Walker responded that under a charter, there are two commissioners elected at large. He asked what powers the two commissioners elected at large have over the others. The response was, "nothing". The only difference is, that the two elected at large would have to speak on behalf of the county as a whole. Mr. Walker added that in a charter, there can be a provision for a recall of commissioner, which would eliminate some of those problems. Wilton Terrell added that a recall would be a beneficial provision of the charter. Seeber Johnson mentioned that a charter can have a provision for a County Chair Administrators Plan, which will provide for a Chairperson for the elected county commission by the entire county. The Chairperson would be the one to contact with a problem of the commissioners not listening, or helping their constituents.

Other information that came to light as a result of questions were:

A county commissioner's salary is decided by the Legislature. However, a provision can be placed in a charter which would set salaries of a county commissioner, or it can be done without a charter, by special act.

A tax issue within a county cannot be brought to referendum by imposing a charter, because it's on ad valorem taxes, governed by Florida Statutes Chapter 97. There is a statewide interest of the Legislature that states that taxes must be administered, and salaries need to be set fairly .

The Florida Supreme court is in the process of deciding if the "people" have the authority, through a charter, to impose term limits for the county commissioners.

There being no further public input, the public's floor closed at 6:45 P.M.

Delton Turberville was of the opinion that the Committee had already discussed and decided that they would explore the existing county government and it's functions, by having Dale Williams line up the constitutional officers to meet with the Charter Committee. He asked for clarification. The Chairperson responded, that although it has not been set in stone, it is certainly the direction the Committee is heading.

The Chairperson addressed the Committee. Having heard the presentation, Ms. Johnson asked if the Committee felt the next step would be to hear from the constitutional officers as to their duties and functions, or if they felt a consultant needed to be hired for guidance prior to writing a charter. Committee discussion ensued.

Rick Bicknell proposed that after learning the definition of county government is the Board of County Commissioners, and not with the constitutional officers, he felt the Charter Committee should stay on course and have the County Commission address the Board before anything else is done.

Ed Parker advised that he has a copy of the duties of a county commissioners if anyone would like a copy. He also inquired as to whether or not any of the members had reviewed the proposed charter distributed at the first meeting. If so, he asked if anyone had found anything illegal written in the charter. The Chairperson responded that she read it immediately, and found it to be very similar to Polk County's charter. However, as mentioned in previous meetings, the proposed charter will be reviewed at the proper time, along with all of the other charters that have been provided. Finally, whether or not the proposed charter is legal, could only be determined by doing the required comprehensive study of the government operations.

Tom Brown offered that he feels the Committee has a statutory mandate to follow a certain procedure. That is, doing a study and hearing from the County Coordinator and the Commissioners. The mandate also addresses ways in which the conduct of county government might be improved, or reorganize. Therefore, he felt it would be proper for the Committee to engage the services of an experienced consultant. The consultant should be a person who can coordinate full input of information from our current county government as to the way we are organized, and the way we conduct business. That consultant being experienced and disinterested could then offer possible alternatives the Committee could look at that would be of interest to the Committee and the public. He concluded that the Committee should empower the Chairperson to take the appropriate steps. Wilton Terrell agreed it is essential that the Committee be informed as to functions and operations of the county government. He concluded that the comprehensive study is a must. Ozell Graham offered that Mr. Browns input be put in the form of a motion.

Motion by Tom Brown, to authorize the Chair to initiate the procedures to conduct a comprehensive study, the operations of county government, and ways the conduct might be improved, or reorganized. In doing so, the Chair also be given the authority to call upon a consultant to help us in the process. Second by Ozell Graham.

Ed Parker was of the opinion that from the beginning, all needed information to write a charter was provided. That being the State Constitution, Florida Statutes and a copy of every charter county in the state. He felt the information provided was sufficient to move forward with writing a charter.

Delton Turberville disagreed with Mr. Parker and asked for clarification on the motion. He remained steadfast that the Committee would benefit from hearing from the constitutional officers.

Tom Brown gave clarification of his motion: The intent of the motion was for it to be a comprehensive study, and it would also allow the Committee to move into the area of constitutional officers. He asked that the first order of business be for the consultant to appear before the Committee at the next meeting with an outline of a proposed guide; a guide to direct the Committee through the process.

Rick Bicknell felt this was not the time to hire a consultant, but to hear from the commissioners first.

Ray Walker asked if any input, public or otherwise has been received, and whether or not the information is available on the net. Dale Williams responded, "it's not available on the net, but is being worked on."

Dave Rountree stated he agrees with Bicknell and Brown. He stated he would like to see the county commissioners and the constitutional officers brought before the Committee, but at the same time, begin working with a consultant. Mike Null agreed.

The motion carried with eleven members voting in favor of the motion.

Dave Rountree read from a list, his thoughts and comments which included the need to earn the trust of the public. He felt for that reason, that the Committee should hold themselves at arms length from the existing government operations. He was of the opinion that with most people, that perception is reality. He was of the opinion that by allowing County Staff to prepare the Committee rules, agenda, and conduct of our meetings (even when doing so at our explicit direction) we are creating a public perception that this Commission is an extension of our existing county government – that it would appear, "business as usual". He stated that the comments were not intended to besmirch any member of the County's staff, however, regardless of how well placed their intentions, the public perception will be the same. He felt, left un-addressed, the perception would result in failure for the Commission. Therefore, he offered the following for consideration:

First, I believe that the Charter Commission should request the services of a secretary, perhaps a court reporter looking for extra work, to take direction from the Commission chair, serve as a focal point for public contact, serve as a liaison between the Charter Commission, county staff employees, and Clerk of the Court employees, record the Commission meetings, prepare the agendas, schedule speakers, notice the public and media as required by law, and prepare supporting documents for commission members and the public.

Second, he felt it was critical that the public be kept informed and be provided supporting documents for items that appear on our prepared agenda. He stated it serves

no purpose to provide a copy of the agenda to the public without providing the supporting documents. He suggest that hard copies of the agendas and supporting documents be made available as handouts for the public at each meeting. Additionally, he suggested that the agendas and supporting documents be posted at the Public Library, and to the County's website no later than 48 hours prior to the day of the meeting.

Third, he stated that he feels the minutes for every meeting of the Charter Commission should be recorded verbatim and, in accordance with the guidelines of Robert's Rules of Conduct, be reviewed and accepted by the Charter Commission at the following meetings. He also suggest that these minutes, once accepted by the Commission, be posted at the Public Library, to the County's website, and offered to the Lake City Reporter for publication at their discretion.

Motions that followed:

Motion by Dave Rountree to Obtain the services of a secretary as is available to the Commission under Florida Statue 126.62 paragraph 2. Second by Ed Parker. There was in-depth discussion, including the expense. Overall, the majority of the members seemed satisfied with the format the minutes were prepared in, and the fact that a tape recording is being maintained by the Clerk. The motion failed with two voting in favor of the motion, and ten voting against the motion.

Motion by Dave Rountree to amend the Charter Commission, Rule 5 (Agenda for Regular Meetings) to state that previous meeting minutes and supporting documents for items appearing on current agendas be part of the agenda package available to the public at each meeting. Second by Tom Brown. The motion carried with nine members voting in favor of the motion, and 4 voting in opposition.

Motion by Dave Rountree to Amend the Charter Commission rule 6 (Recording of Minutes) to state that verbatim recordings of the minutes be required for each meeting. This was discussed thoroughly. The majority felt that if summary minutes were taken and a clear recording was made of each meeting, that would be sufficient. The motion failed for a lack of a second. Dale Williams added that a new, higher quality system was ordered today.

Ed Parker mentioned he has offered a couple of different times, to have well informed people come before the Committee to speak. He asked if he could be advised as to why. The Chairperson responded there will be many meetings to come, and several people to address the Board. She asked Mr. Parker to provide a resume of the people he wanted to schedule to address the Committee, and she would review the information. Mr. Parker asked if there would be any objection to having them speak at the next meeting. The Chair responded that the Committee has already discussed having the commissioners speak at the next meeting, and that she would like an opportunity to review their resumes prior to scheduling.

NEXT MEETING

The Committee agreed that the courtroom worked great. There was question as to whether or not the new recording system is compatible with the system in the courtroom. The response was yes. The cost to meet there was questioned. The cost for using the courtroom is \$84 per meeting. The School Board Administration Office is \$42, plus the the P.A. System for a total of \$292. The library is free, but the rooms are small and the rooms are not available on the third Tuesday of each month.

Motion by Rick Bicknell to have next meeting at the Courthouse. There were several seconds. The motion carried unanimously.

Time was discussed. Delton Turberville suggested that in the future, the meeting times be staggered to accommodate all working groups.

Motion by Wilton Terrell to have the Chair establish the time of the meetings. There was further input. Doctor Weizenecker stated he must set his calendar weeks in advance. An established time is much better for him. Mike Null suggested we plan ahead, but try to maintain flexibility. Ed Parker felt the working people should be considered, and meetings should be held in the evenings.

Motion by Delton Turberville to set the next four monthly meetings on: December 18, January 15, February 19 and March 19; each at 5:30 in the courtroom. Future meetings should be considered at other times. Second by Ray Walker. The motion carried with eleven voting in favor of the motion.

There being no further business, the meeting adjourned at 7:40 P.M.

ATTEST:  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairperson

\_\_\_\_\_  
P. DeWit Cason

**COLUMBIA COUNTY CHARTER COMMISSION  
POST OFFICE BOX 1529  
LAKE CITY, FLORIDA 32056**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX  
528 W. DUVAL STREET  
LAKE CITY, FLORIDA 32055**

**AGENDA**

**OCTOBER 16, 2001**

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- 5:30 P.M.      \*Call to Order  
                  \*Invocation  
                  \*Pledge to U.S. Flag  
                  \*Roll Call  
                  \*Approval of Minutes
- 5:35 P.M.      \*Introduction of Guest Speaker  
                  \*Mr. Kurt Spitzer, Topic: Charter Government  
                  (sponsored by the Small County Technical Assistance Program)  
                  \*Questions
- 6:30 P.M.      \*New Business  
                  1.) Adoption of By-Laws  
                  2.) Approval of Advertisement Format
- 6:45 P.M.      \*Remarks of Interested Citizens
- 7:00 P.M.      \*Establish Next Meeting Date  
                  \*Adjourn

# Charter Government Committee

**October 16, 2001**

**5:30 P.M.**

The Charter Government Committee met in a regularly scheduled meeting at the School Board Administration Office.

Members Present - Wilton Terrell, Emory Bailey, Richard Weizinecker, Ray Walker, Leandra Johnson (Chairwoman), Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock and Ozell Graham.

Members Absent - Tom Brown and Rick Bicknell.

The meeting came to order. Ozell Graham opened with prayer, and the Pledge of Allegiance to the American Flag followed.

**Roll call** was taken. Rick Bicknell and Tom Brown were not in attendance due to a prior engagement.

The Chair called for a motion to approve the **proposed minutes** of the previous meeting if there were objections. There was a motion and a second to approve. The motion carried unanimously.

Kurt Spitzer of Spitzer & Associates Consulting was introduced to the Committee. Leandra Johnson provided information listing Mr. Spitzer's experience and qualifications in dealing with Charter Government.

The floor was turned over to Mr. Spitzer, who provided an extensive **Charter Government presentation**. Spitzer distributed to the members, a portion of the Florida Constitution that deals directly with Charter Governments. At the conclusion of Spitzer's presentation, the floor opened to the committee members for questions.

## New Business

The **meeting location** was discussed. There was mention of continuing to use the School Board Administration office, the Columbia County Public Library and the Courthouse. Their discussion addressed cost, security and handicap accessibility.

There was a motion and a second to "try" the courthouse for the next meeting. There was a motion and a second to use for the next meeting. The motion carried with a majority vote of ten.

The **meeting time** was discussed. As was discussed at the last meeting, there were different ideas as to what time would be most convenient for the committee members, as well as the public.

There was a motion and a second to hold the next meeting at 5:30 P.M. The motion carried with a majority vote of nine.

There was a motion and a second to approve the **By-Laws** with the stipulation that they may be amended should the need arise. Discussion ensued.

Dave Rountree was of the opinion that a 24 hours notice is not a sufficient amount of time to **notify the public of a meeting**, and suggested it be changed to 48 hours. This opinion was placed in the form of a motion. There was discussion. Mario Cappock seconded the motion. The motion carried with a majority vote of nine.

The chair called for a vote on Wilton Terrell's motion to approve the By-Laws. The motion carried unanimously.

#### Advertisement Format

Dale Williams advised that the County would like to make every effort to collect and disburse information to the public pertaining to the Charter Government. He proposed that notices be advertised on public television, and posted on the County's web site. The citizens will also be able to communicate via email through the web site. Williams stated that the information being posted will be information approved, and used by the Florida Association of Counties.

There was discussion. The Commission agreed that they would consider identifiable mail. Williams stated that unidentified mail would be forwarded to the Chair for consideration. Identifiable mail will be distributed to all members.

Each member was asked to consider whether or not they wanted their **phone numbers** made available to the public.

There was a motion and a second to approve the advertising plan. The motion carried unanimously.

#### Public Input

The Chair opened the floor for the public to have an opportunity to speak. Coy Williams, Wayne Williams, David Willis and Dewey Sistrunk a/k/a H.L. Sistrunk offered input.

#### Next Meeting

Motion and second to scheduled the next meeting for November 13, 2001 at 5:30, and for the Chair to establish an agenda.

As requested, Dale Williams will establish a proposed timeline, and will attempt to line up elected officials to address the Commission.

There were members who felt the Committee should meet on a set day each month. The original motion to meet on the 13<sup>th</sup> was withdrawn.

There was a motion and a second to establish the meeting date for the third Tuesday of each month. The motion carried with a majority vote of ten. The time of each meeting will be determined. The Chairman will reserve the right to call special meetings on other dates.

Other

Ed Parker asked if the Committee had considered the proposed Charter presented by him at the last meeting. The Chair stated that when the time is appropriate, all proposed charters will be considered.

Adjournment

There being no further business, the meeting adjourned at 7:40 P.M.

ATTEST:

**P. DeWitt Cason**  
Clerk of Circuit Court

\_\_\_\_\_  
Leandra Johnson, Chairwoman  
Charter Commission

\_\_\_\_\_  
Sonja A. "Sandy" Markham, D.C.

**JOINT SPECIAL MEETING  
OF THE  
COLUMBIA COUNTY BOARD OF COUNTY COMMISSIONERS  
AND  
COLUMBIA COUNTY CHARTER COMMISSION**

**COLUMBIA COUNTY SCHOOL BOARD ADMINISTRATIVE COMPLEX  
528 W. DUVAL STREET  
LAKE CITY, FLORIDA 32055**

**6:00 P.M.**

**AGENDA**

**SEPTEMBER 26, 2001**

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- 6:00 P.M.    Invocation**
- 6:05 P.M.    Pledge to U.S. Flag**
- 6:10 P.M.    Hon. Dewev A. Weaver, Chairman**  
**(1) Introduction of Charter Commission**  
**(2) General Comments**
- 6:20 P.M.    Board of County Commissioners**  
**(1) General Comments**
- 6:30 P.M.    Marlin Feagle, County Attorney**  
**(1) Charter Members – Legal Obligations**
- 6:45 P.M.    Hon. Dewev A. Weaver, Chairman**  
**(1) Selection of Charter Commission Chair and Vice-Chair**  
**(by motion of Charter Commission members)**  
**(2) Designation of Next Meeting**
- 7:00 P.M.    Adjournment**

# Board of County Commissioners

**September 26, 2001**

**6:00 P.M.**

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The Board of County Commissioners met in a special session with the newly appointed Charter Government Committee at the School Board Administration Office.

Present for the Board of County Commissioners: Commissioners – Ronald Williams, Dewey Weaver (Chairman), Kenneth Witt, George Skinner. Also present for the Board of County Commissioners: County Coordinator – Dale Williams, County Attorney – Marlin Feagle, Asst. County Coordinator – Lisa Roberts, and Deputy Clerk – Sandy A. Markham.

Present for the Charter Government Committee: Members - Wilton Terrell, Emory Bailey, Richard Weizinecker, Ray Walker, Rick Bicknell, Leandra Johnson (Chairwoman), Tom Brown, Jim Poole, Delton Turberville, Mike Null, Ed Parker, Dave Rountree, Seeber Johnson, Mario Cappock and Ozell Graham.

Chairman Weaver called the meeting to order. Prayer and the Pledge of Allegiance to the American Flag followed.

An introduction of Charter government was give by Chairman Weaver, and the County Commissioners offered general comments and words of encouragement.

Marlin Feagle explained the legal obligations of members of a charter government. He briefly reviewed the contents of the Charter Government Book provided to each member. He reviewed Resolution No. 2001R-34, he discussed with the members, the Florida Statutes and the Constitution. He encouraged each of them to make themselves familiar with the contents of the Charter Government Book, which also included copies of the seventeen State Charters. He also gave an in depth discussion regarding meetings being held in the Sunshine. Finally, he reviewed the time lines the Committee must operate within.

The Chairman called for nominations for a chairperson for the Charter Government Committee.

Motion and second to appoint Leandra Johnson.  
Motion to appoint Walt Terrell. The motion died.  
Motion and second to appoint Jim Poole.  
Motion and second to appoint Tom Brown.

The Chairman called for a vote. Leandra Johnson received seven (7) votes, Jim Poole received two (2) votes and Tom Brown received four (4) votes. There were two (2) no votes. Leandra Johnson was then recognized as the Chairperson.

Chairman Weaver called for nominations for a Vice Chairperson for the Charter Government Committee.

Motion and second to elect Tom Brown.

Motion and second to cease nominations. The motion carried unanimously.

Chairman Weaver called for a vote. Tom Brown was elected by a unanimous vote.

There being no further business of the Board of County Commissioners, the floor was turned over to Chairwoman Johnson who expressed appreciation for the opportunity to serve.

There was discussion as to when the Charter Committee would schedule their first meeting.

Motion by Delton Turberville to set the next meeting for the third Tuesday in October (October 16, 2001) at 7:00 P.M.

Motion by Ray Walker to amend the motion to have the meeting at 5:30 on October 16, 2001 at the School Board Administration Office.

Delton Turberville withdrew his motion. Ray Walker's motion stood.

Discussion ensued. Some felt that that was too early to have the meeting because people working through the day would not have time to get to the meetings after work. While others were of the opinion that 5:30 would be fine since preliminary meetings will primarily be for getting the Committee situated, and would not require a lot of public input. Finally, it was decided that no meeting time would be convenient for the entire County, and they would consider changing the time in the future, if the need arises. The Chair called for a vote. There were thirteen (13) voting in favor of the motion, and two (2) voting against the motion. The motion carried.

Motion and second to have the meetings last up to 1 ½ hours, with the Chair having the discretion to allow the meeting to continue for an additional 30 minutes. The motion carried unanimously.

Ed Parker presented the members with a copy of a proposed Charter for Columbia County. There were murmurings among the committee members that it would be premature to consider adopting a Charter. The majority of the Committee agreed that they have much to learn, and that they are on a fact finding mission. The committee members shared ideas and thoughts regarding a Charter Government, and on our current form of government.

There was discussion regarding the agenda of their next meeting. It was agreed that the Committee would need to decide what rules of order they would follow.

Motion by Tom Brown to follow Roberts Rules of Order. Second by Ray Walker. The motion carried unanimously.

There was a call from the audience for the Chair to allow the public to speak their peace. Offering input were: Charles Strickland, Hugh Strickland, Wayne Williams, Glenell Bowdoin, O.L. McKleroy, Coy Williams, Reginald Alford and Jeffery Hill.

Each member of the Charter Government Committee introduced themselves to the audience, and offered assurance that they intended to do a thorough job.

There being no further business, the Chairwoman closed the meeting at 7:55 P.M.

ATTEST:

P. DeWitt Cason  
Clerk of Circuit Court

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Dewey Weaver, Chairman  
Board of County Commissioners

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Sonja A. "Sandy" Markham, D.C.

**APPENDIX D**

**Resolution of the Columbia County Charter Commission**

A RESOLUTION OF THE CHARTER COMMISSION OF COLUMBIA COUNTY, FLORIDA, PROPOSING A CHARTER FOR COLUMBIA COUNTY, FLORIDA; PROVIDING FOR TRANSMISSION OF THE PROPOSED CHARTER TO THE BOARD OF COUNTY COMMISSIONERS FOR THE CALLING OF A REFERENDUM ON THE PROPOSED CHARTER; PROVIDING AN EXPLANATORY STATEMENT AND BALLOT TITLE; AND AUTHORIZING MINOR CORRECTIONS BY THE CHAIR AND STAFF.

WHEREAS, pursuant to the provisions of Chapter 125, Part II of the Florida Statutes, the Board of County Commissioners of Columbia County has appointed a Charter Commission; and

WHEREAS, the Charter Commission has conducted a comprehensive study of the operation of County government and of the ways in which the conduct of County government might be improved or reorganized; and

WHEREAS, the Charter Commission has held not less than three public hearings at the times required by law and has thereupon adopted all amendments it deems necessary or desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE COLUMBIA COUNTY CHARTER COMMISSION, AS FOLLOWS:

1. That the Charter Commission does hereby adopt and forward to the Board of County Commissioners the proposed Charter for Columbia County in the form attached as Exhibit A.
2. The Board of County Commissioners is requested to call a special election pursuant to law, not more than 90 nor less than 45 days subsequent to its receipt of the proposed charter.
3. The ballot title for the proposed Columbia County Charter shall be "Proposed Home Rule Charter for Columbia County."
4. The substance of the proposed Charter to appear on the ballot shall be substantially as follows:

"Shall there be a Home Rule Charter establishing the form and powers of Columbia County government; authorizing the proposal and adoption of ordinances by voter initiative and referendum; preserving elected county officers; providing for non-partisan election of county officers; allowing recall of county officers by referendum; providing for an appointed professional manager and elected county attorney; preserving the legislative powers of a Board of five elected district commissioners; and providing methods for amendment?"

Yes \_\_\_\_\_ For Approval

No \_\_\_\_\_ Against Approval

5. The Chair and consultants to the Charter Commission are authorized and directed to make such minor technical corrections to the charter, ballot question and statement of substance approved herein as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such changes do not alter the substance or intent of this resolution or the Charter; and they are further authorized to present to the Board of County Commissioners, and to make public, a report of the proposed Charter; and otherwise to take all actions necessary and desirable to cause the proposed Charter to be subject to referendum approval.

6. The Charter Commission may reconvene at the call of the Chair or a majority of its members, at any time prior to its dissolution, for the purposes of planning and holding educational sessions concerning the proposed Charter, approving and forwarding its final expenses for payment, or for the conduct of any other lawful business.

APPROVED by the Columbia County Charter Commission this 19th day of August 2002.

  
\_\_\_\_\_  
Tom W. Brown  
Chair

ATTEST:

  
\_\_\_\_\_  
R. Mike Null  
Vice Chair