



2021/2022 CHARTER REVIEW COMMISSION MINUTES

March 29, 2022

7:00 PM

Administration Building,
4th Floor, BCC Meeting Room,
477 Houston Street,
Green Cove Springs, FL 32043

CALL TO ORDER

Chairman Howard "Bo" Norton called the meeting to order at 7:00 pm.

MOMENT OF SILENCE

Chairman Bo Norton requested a moment of silence.

PLEDGE OF ALLEGIANCE

Ms. Connie Schoenung led the Pledge of Allegiance.

WELCOME

Chairman Bo Norton thanked Deputy McDade and Lieutenant Mahla for providing security for the meeting. He also welcomed Teresa Capo-County Commissioner Administrative Assistant, Courtney Grimm-County Attorney, Christine Blanchett-Deputy Clerk with the Clerk of the Court and Comptroller, and all the CRC members.

ROLL CALL

All those that were in attendance at the meeting are listed on the attached sign in sheet. See attachment A. Absentees from the meeting:

- Charles Hodges
- James Jett
- Randy Gillis
- DeAnn Dockery
- Yul McNair
- Brain Kraut
- Jim Connell

APPROVAL OF MINUTES

March 2, 2022 CRC Minutes

Mr. Robert Dews made a motion for approval of the March 2, 2022, CRC meeting minutes, seconded by Mr. Chris Russell, with all in favor.

March 15, 2022 CRC Minutes

Vice-Chairman Suzi Ludwig made a motion for approval of the March 15, 2022, CRC meeting minutes, seconded by Mr. Mitch Timberlake, with all in favor.

PUBLIC COMMENT

Chairman Bo Norton opened the floor for public comment at 7:03 pm.

David R. Coughlin, 23 Widener Way, Orange Park, Florida, spoke to the Board regarding the seemingly oppressive term limits that impact the life time of great work performed by our elected constitutionals. We are lead to believe that they are divinely anointed with critical skills unattainable by mere mortals and the republic would fall if we do not institutionalize their incumbency. So, we tolerate the merging of their personal brand with the office they hold by using government funds to pay for chamber of commerce memberships, fundraising sponsorships, personnel to manage public and media relations, and de facto campaigning via public service announcements with their youthful images in local print venues. Mr. Coughlin stated the only requirements for an elected constitutional are citizenship and age. If we view them as administrators and not politicians then have them give their attractive compensation packages and serve at the pleasure of our commissioners. The apparent sole political layer in Clay County.

Hearing no other comments, Chairman Bo Norton closed public comment at 7:06 pm.

OLD BUSINESS

1. Proposed Text for BCC Salary Recommendation for Inclusion on Ballot

Chairman Bo Norton opened the floor to discuss the proposed text for the BCC salary recommendation for inclusion on the ballot. Glenn Taylor, CRC Attorney, has taken the direction of the Commission and prepared the verbiage to be considered for the ballot. See attachment B.

Suzi Ludwig, Vice-Chairman, said it might be better to move one sentence after reviewing the verbiage. Vice-Chairman Ludwig read her suggested change:

- Shall the Clay County Charter be amended to include annual cost of living increases to the Clay County Commissioners current \$37,000.00 annual salary effective September 30, 2023, and thereafter adjusting annually based upon the consumer price index for urban wage earners and clerical workers.

All the same, wording is there, but it says it is effective then and thereafter and then putting in the adjustments.

Ms. Connie Schoenung said her understanding was that instead of saying adjustments, it reads it is an increase because that is what is being done. Chairman Norton noted that it was done.

Mr. Mitch Timberlake stated that he was fine with the ballot proposal as the attorney worded it.

Mr. Chris Russell said he believed there is concern about having the words increase of salary, but the word is included in the second sentence. It reads cost of living increase vs. a salary increase. It does clearly delineate that the increase is the cost of living adjusted, not a basic salary adjustment, and will fluctuate every year.

Following the discussion regarding the base salary of \$37,000.00, the increase basis, and the consumer price index, Ms. Debby Terry made a motion for approval of the verbiage as presented by the CRC attorney, seconded by Mr. Scotty Taylor, which carried 6-3, with Mr. David Theus, Ms. Christine Backscheider, and Ms. Connie Schoenung in opposition.

2. Proposed Text for Elimination of Term Limits for Elected Clay County Constitutional Offices for Inclusion on Ballot

Chairman Bo Norton opened the floor to discuss the proposed text for eliminating term limits for elected Clay County Constitutional Offices for inclusion on the ballot. See attachment B.

Mr. David Theus noted at no point during this Commission's meetings did a citizen rally a group of citizens to initiate a petition to repeal the term limit. At no point during public comment did someone approach the lectern to repeal the term limit, if anything, to suggest that we follow the state's term limits. One commissioner voiced an opinion for term limits and one against term limits, so that is a toss-up, one for and one against it. The citizens in the last meeting clearly stated to the County Commission that term limits are something they were in favor of. Thus, an initiative was put forth by the citizens, and it got to the ballot, and it passed. Just for the record, it comes down to personal interpretation of the role of government. If these folks are constitutional, their service appreciated, if they are indeed CEOs, then maybe the case should be to lobby the governor for appointment. Once you cross the threshold at the elections office, you are a politician that answers to the voters. The voters clearly spoke. Mr. Theus said he is troubled that we have a process that went through, and the voters could have shown up and spoken, and they did not; however, they spoke at the ballot box three years ago, and they get a chance to do it again. For the record, it was interesting to see this process and at no point did a citizen rally for the repeal of the term limits.

Ms. Debby Terry noted that if we went by who participated and did not, we should've had one meeting, drop the gavel, and been done. We have had absolutely abysmal participation by the community at large. We generally have abysmal voter turnout unless it is a hot topic they want to go after. Maybe everything was okay until now, and they do want this change. You can predict what they will do because they have not been here. Ms. Terry said she is personally horrified that the constitutionals will all be leaving

simultaneously, but that is a moot point now. Mr. Theus said he respects her comment; he wanted to point out that our customers are the voters. His comments were an observation of someone serving for the first time on the Commission.

Vice-Chairman Suzi Ludwig said she believed it was important not to have the same wording as before. She stated previously that she was okay with it going back on the ballot because, again, she has faith in the voters. It can be clarified who they are, and it is the chance for people who were unsure of who the constitutionals are to say I don't care who they are, I do not want it, or I did not know and vote accordingly.

Mr. Mitch Timberlake noted as a point of order, this has already been decided and asked to keep to the task at hand to discuss the language, clarify it, and vote on what the language will be. The Commission has voted to have it put on the ballot, and our duty is to clarify that language and move ahead. Mr. Scotty Taylor noted that he agrees with Mr. Timberlake.

Ms. Connie Schoenung said she disagreed; she thinks they voted to make this decision prematurely and put it on the ballot. The gentleman spoke today and agreed with term limits. For further reference, the Commission should consider something this important, how much is the cost to the taxpayers to put it on the ballot.

Mr. Scotty Taylor made a motion for approval of the language as written by the CRC attorney, seconded by Ms. Debby Terry, which carried 6-3, with Mr. David Theus, Ms. Christine Backscheider, and Ms. Connie Schoenung in opposition.

3. Proposed Text to Section 4.2.B - Amendments and Revisions by the Charter Review Commission to Change the Meeting Interval of the CRC from Four (4) to Eight (8) Years for Inclusion on Ballot

Chairman Bo Norton opened the floor to discuss the proposed text for Section 4.2.B - Amendments and revisions by the Charter Review Commission to change the meeting intervals of the CRC from four (4) to eight (8) years for inclusion on the ballot. See attachment B.

Vice-Chairman Suzi Ludwig said the proposed language is almost the exact language that was voted down 80-20 in 2018. She thought it would say something about it being an overarching document or other provisions for amendments. CRC Attorney Taylor said there was a discussion but did not feel it was his place to create language; this was presented as a foundation. Vice-Chairman Ludwig said it should justify why you are putting it back on the ballot, and if they do not want it, they don't want it. Her opinion is to have additional clarity, like for the constitutionals.

Mr. Chris Russell said before he was asked to be on the Commission, he had never heard of it, how many people in Clay County even know this happens every four years and what the purpose of the Commission is. From his perspective, we are trying to help the county grow, and they are set up pretty well for the next four years.

Mr. Robert Dews said he does not believe that it can not get any more concise than this, and if we try and explain why we want to do it, it can be subjective, and it is a matter of

opinion that may create a problem for the voters. Vice-Chairman Ludwig said she feels if we do not tell the voters why we want this, they will say, "we just told them we do not want this," and now they are sending the same thing without any justification. Mr. Dews suggested that it would be a cost-saving to the taxpayers to meet every eight years instead of four because it does cost to have the room and staff present at the meetings.

Mr. David Theus said out of fairness to Vice-Chairman Ludwig that he too has empathy so that they are clear in understanding what they are trying to do, but the IRS has a funny saying "ignorance is not bliss." Trying not to get into a situation where we are trying to educate the voters and take away any more responsibility from them because he is one of them. It is important for him and others to do the research, some may miss it, but it is not their duty to solve all the problems. Addressing that it is back on the ballot again, we are coming to the discussion from our point of view. Commending each of us, we have been good and professional, and clearly, we come with a biased opinion about maybe we should not do this every four years. The citizen's may look at it as a missed opportunity if we push it out to eight years, that they may not be able to fix something if there is a runaway train. They may or may not know that they can push through their commissioners to put something on the ballot by a citizens' initiative. Mr. Theus said he likes the eight-year mark; he could be wrong but is willing to take that chance for the voter and trust them to make that decision.

Mr. Scotty Taylor made a motion for approval of the language as it is written, seconded by Mr. Mitch Timberlake, with all in favor.

PUBLIC COMMENT

Chairman Bo Norton opened the floor for public comment at 7:35 pm.

Hearing no other comments, Chairman Bo Norton closed public comment at 7:36 pm.

CRC MEMBER COMMENTS

Mr. David Theus asked Chairman Norton to review the process going forward.

Chairman Bo Norton said everything that the Committee has done is advisory, and they are making recommendations only, and they have no power to enforce anything. They make a recommendation that goes to the Commissioners for review and then to the ballot. So the voters will have a chance to say what will happen in Clay County regarding these items. What happens next are three public hearings. There are tentatively three dates in May, and they will be advertised. Those hearings are strictly for the public to come and tell us what they think of these initiatives. Ms. Debby Terry noted that their attendance is expected. The dates are:

- May 4, 2022
- May 16, 2022
- May 31, 2022

The hearings would be held at 7:00 pm.

Chairman Norton said what drives that, looking in the charter, there have to be three scheduled hearings, a minimum of ten days apart and a maximum of twenty days apart.

Ms. Connie Schoenung asked if the information could be published in the newspaper. Ms. Capo said it is published in the Clay Today. Ms. Schoenung asked if they could individually promote the hearings with flyers with the date and times of the hearings. Courtney Grimm, County Attorney, noted she would not suggest individually putting flyers out, but if they wanted to promote on Facebook, etc., Ms. Schoenung asked if, in addition to the standard putting information on the government website, would it be stepping outside of their role. County Attorney Grimm said you could not advocate one way or the other. You can notice that there will be three public hearings to consider three items that will be on the ballot. Ms. Schoenung asked if the language needs to be approved by County Attorney Grimm before posting. County Attorney Grimm said they should follow the language required by statute and what is advertised in the paper and put on the website.

Mr. Timberlake said his recommendation is to take what is in the newspaper and put that out verbatim so that you do not get crosswise of any language and it is stated appropriately. CRC Attorney Taylor said he agrees with Mr. Timberlake.

Vice-Chairman Suzi Ludwig appreciated Mr. Dews comments and thanked the Committee. It has been an interesting and educating experience; even with the debating in the last few months, everyone was respectful.

Chairman Bo Norton thanked the Committee for their hard work, time, effort, and expense in coming to these meetings for democracy in action.

ADJOURN

Hearing no further business, Chairman Bo Norton adjourned the meeting at 7:38 pm.

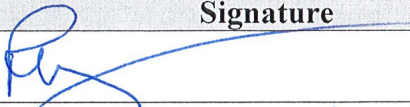
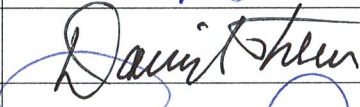
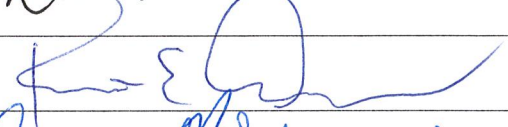
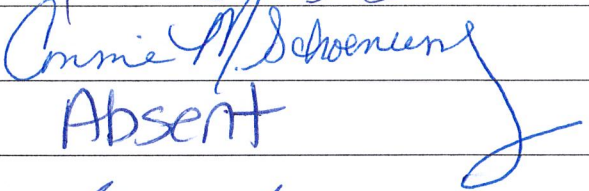
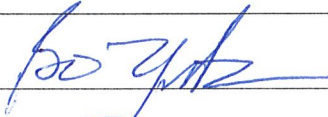
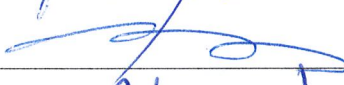

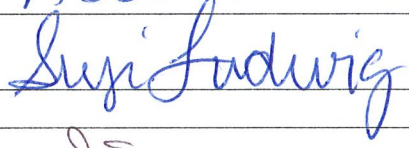
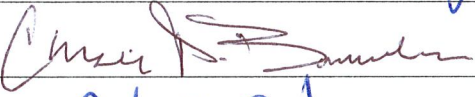

Attest:

Tara S. Green
Clay County Clerk of Court and Comptroller
Ex Officio Clerk of the Board

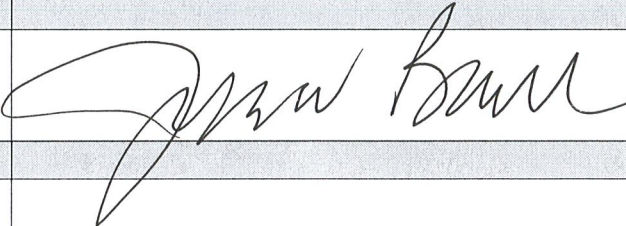
Chairman or Vice-Chairman

Attachment
“A”
Sign-In Sheet

2021/2022 Charter Review Commission
BCC Meeting Room
March 29, 2022 7:00 P.M.
Attendance Sheet

| District 1 Name | Signature |
|------------------------|--|
| Mitch Timberlake |  |
| James Jett | Absent |
| David Theus |  |
| District 2 Name | |
| Robert Dews |  |
| Connie Schoenung |  |
| DeAnn Dockery | Absent |
| District 3 Name | |
| Bo Norton |  |
| Debby Terry |  |
| Yul McNair | Absent |
| District 4 Name | |
| Charles Taylor, Jr. |  |
| Charles Hodges | Absent |
| Suzi Ludwig |  |
| District 5 Name | |
| Christine Backscheider |  |
| Randy Gillis | Absent |
| Chris Russell |  |

**2021/2022 Charter Review Commission
Alternates
BCC Meeting Room
March 29, 2022 7:00 P.M.
Attendance Sheet**

| District 1 Name | Signature |
|-----------------|--|
| Brian Kraut | Absent |
| District 2 Name | |
| Jim Connell | Absent |
| District 3 Name | |
| John Bowles |  |
| District 4 Name | |
| | |
| District 5 Name | |
| | |

Attachment
“B”
CRC Ballot Verbiage

GLENN A. TAYLOR, P.A.
ATTORNEY AT LAW
C.P.A.

GLENN A. TAYLOR
Member Florida and Hawaii Bars
Certified Public Accountant, Florida and Hawaii

462 KINGSLEY AVENUE, SUITE 103
ORANGE PARK, FLORIDA 32073
TELEPHONE: (904) 215-7953
TELEFAX: (904) 215-7964

Glenn@GlennATaylor.com

March 28, 2022

VIA EMAIL
Teresa Capo
Clay County Government
Teresa.Capo@claycountygov.com

Charmain Bo Norton
Clay County Charter Review Commission

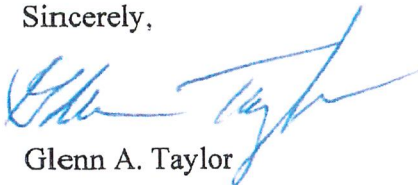
- Re: Revised Draft of Ballot and Charter Language Concerning Revisions to:**
- 1. County Commissioner Cost of Living Adjustment Provisions**
 - 2. Removing Term Limit Provision for Constitutional Officers
Pursuant to CRC Action at March 15, 2022**
 - 3. Amendment Revising Appointment of Charter Review Commission
Pursuant to CRC Action at March 15, 2022**

Dear Chairman Norton:

Pursuant to the direction of the CRC at its March 15, 2022 meeting, I have prepared a draft of ballot and charter language to the Clay County Home Rule Charter proposing revisions providing for: 1.) a cost of living adjustment for the County Commissioners, 2.) eliminating the Elected Constitutional officers term limit provisions, and 3.) Amendment of the CRC appointment cycle from 4 years to 8 years.

I will await your and the Commissions further direction at the next meeting.

Sincerely,



Glenn A. Taylor

Enclosure
GAT/th

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

**Charter Amendment For Cost of Living Increase to
Salaries of Clay County Commissioners**

Shall the Clay County Charter Article II, Section 2.2.C, be amended to include an annual cost of living increase to the current \$37,000 per year salaries of Clay County Commissioners, based upon the Federal consumer price index for urban wage earners and clerical workers, effective September 30, 2023 and thereafter adjusting annually for inflation.

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of the Clay County Home Rule Charter are amended to read as follows:

C. Salaries and Other Compensation. Salaries of the county commissioners shall be set at \$37,000 per year through September 30, 2023. Beginning in county budget year 2023-2024 and on each following September 30th, the then current commissioner salary shall be increased by the rate of inflation during the twelve months prior to each September 1st using the Federal consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted commissioner salary calculated shall be published and take effect on the following October 1st. Any other salary changes shall be approved by a majority of electors in a general election. Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter counties or by county ordinance.

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

**Charter Amendment Removing Term Limit
Provision for Elected County Constitutional Offices**

Shall the Clay County Charter Article III, Section 3.1 be amended to remove existing term limits of three consecutive four-year terms, for the constitutional offices of the County Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections, following the November 2022 General Election?

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of the Clay County Home Rule Charter are amended to read as follows:

Section 3.1: Elected County Constitutional Offices.

The County offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices serving terms of four years, ~~- No person elected for three consecutive full terms in the same constitutional office shall be eligible for election in that same constitutional office in the next succeeding term. Only terms for constitutional offices commencing on or after the second Tuesday following the November 6, 2018 general election shall be considered terms for purposes of determining consecutive terms under this section. and~~ Otherwise, the powers, duties and functions of the constitutional offices shall not be altered by this Home Rule Charter, except that the powers, duties and functions of the Clerk of the Circuit Court shall be limited to those of clerk of the circuit court and recorder as described in Article VIII, § 1 (d), Constitution of the State of Florida. The Constitutional officers shall perform their executive and administrative functions as specified by law, except that the Clerk of the Circuit Court shall perform only the executive and administrative functions as specified by law with respect to those powers, duties and functions of the Clerk of the Circuit Court described in Article VIII, § 1(d), Constitution of the State of Florida, as clerk of the circuit court and recorder.

GLENN A. TAYLOR, P.A.
Attorney At Law - CPA

Ballot Proposal: The ballot title and ballot summary for Question #3 are as follows:

**Charter Amendment Revising
Appointment of Charter Review Commission**

Shall the Clay County Charter Article IV, Section 4.2.B, be amended to change the appointment of the Charter Review Commission from every four years to every eight years following the November 2022 General Election?

_____ Yes

_____ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of the Clay County Home Rule Charter are amended to read as follows:

Section 4.2: Home Rule Charter Amendments.

B. Amendments and revisions by Charter Review Commission.

(1) A Charter Review Commission consisting of 15 electors as members and 5 additional electors as alternate members of the Charter Review Commission shall be appointed by the Board of County Commissioners at least 12 months before the general election occurring in 1994 and at least 12 months before the general election of every ~~four~~ (4) eight (8) years thereafter. To the extent reasonably possible, the Board of County Commissioners shall appoint the alternates such that an equal number of them reside within each District of the County. The Charter Review Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature or Board of County Commissioners shall be a member of the Charter Review Commission. If there is a vacancy in the office of a Charter Review Commission member, then the alternate residing in the same District in which the former member resided, will automatically accede to the seat that was vacated, if such an alternate member is available. If there is not an alternate

available who resides in the same District of the County as did the person who vacated the seat, then the alternate who resides in the next seat in numerical sequence will accede to the open position. Thus, for example, if a member who resides in District I vacates his or her seat and an alternate residing in District I is unavailable, then the alternate residing in District 2 will automatically accede to the open seat. If there is also no alternate residing in District 2, then the alternate residing in District 3 will accede to the open seat, and so on. Additionally, and by way of example, if a member of the Commission residing in District 5 vacates his or her seat, and there is no available alternate residing in District 5, then the alternate residing in District I, if available, will automatically accede to the open seat, and so on. If there are no available alternates, then the Board of County Commissioners upon request by the Charter Review Commission shall appoint such number of alternates as may be requested by the Charter Review Commission, not to exceed 5 alternates, within thirty (30) days of the request.