

RESOLUTION NO. 90- 181

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, ST. JOHNS COUNTY, FLORIDA, CREATING THE ST. JOHNS COUNTY CITIZENS CHARTER GOVERNMENT STUDY COMMITTEE; ESTABLISHING MEMBERSHIP; PROVIDING A BUDGET; PROVIDING FOR ITS ORGANIZATION AND THE CONDUCT OF ITS BUSINESS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of St. Johns County, Florida, (hereinafter the "Board") established a Government Study Committee (hereinafter the "GSC") to review St. Johns County government and to make recommendations to the Board with regards to improving the operations and efficiencies of county government, and

WHEREAS, the GSC submitted its final report to the Board on May 25, 1990; and

WHEREAS, one of the recommendations of the final report prepared by the GSC was that if the Board desired a more detailed study, the GSC recommended a Charter Commission pursuant to Section 125.61, Florida Statutes; and

WHEREAS, the Board desires to initiate a more detailed study of the benefits of chartered government for St. Johns County but hereby determines and finds that it is in the best interests of the county to utilize the charter government procedure provided by Part IV of Chapter 125 Florida Statutes whereby the Board may propose by ordinance a charter to be voted upon by the electors instead of proceeding solely under Part II of said chapter,

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of St. Johns County, Florida, as follows:

1. There is hereby established the St. Johns County Citizens Charter Government Study Committee (the "Committee") for the purpose of determining the feasibility and benefits of creating a home rule charter government for St. Johns County and, if thought feasible and beneficial, to recommend to the Board a proposed charter for the Board's consideration. Upon receipt of the proposed charter, if any, the Board may accept, modify, or reject the proposed charter and determine whether or not to enact a County ordinance proposing a charter in the manner provided by Part IV of Chapter 125 Florida Statutes. The Board may also determine whether such ordinance, if adopted, should include provisions of the charter proposed by the Committee.

2. The Committee shall be composed of an odd number of not less than 11 or more than 15 members, at least eleven of whom shall be appointed by the Board within 30 days of the adoption of this resolution. Thereafter, at the Board's discretion, 2 or 4 additional members may be appointed.

3. The Board hereby establishes a budget for the use of the Committee in the performance of its responsibilities in the amount of \$25,000.00 during fiscal year 1990-91. All expenses authorized by the Committee within said budget must be (i) made in conformity with the Chapter 81-483 Laws of Florida and the Purchasing Policies of the Board, (ii) verified by a majority vote of the Committee, and (iii) forwarded to the Board for payment from the general fund.

4. The Committee shall elect a chairman and vice chairman from among its membership. Further meetings of the Committee shall be held upon the call of the chairman or a majority of the members of the Committee. All meetings shall be open to the public. A majority of the members of the Committee shall constitute a quorum. The Committee may adopt such other rules for its operations and proceedings as it deems desirable. Members of the Committee shall receive no compensation but shall be reimbursed for necessary expenses pursuant to paragraph (3) above.

5. The Committee 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. The Board may accept funds, grants, gifts, and services for the Committee from the state, the Government of the United States, or other sources, public or private.

6. The Committee shall conduct 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. If the Committee determines that charter government would be feasible and beneficial to the citizens of St. Johns County, then, within 18 months of its initial meeting, unless such time is extended by appropriate resolution of the Board, the Committee shall present to the Board a proposed charter that meets the requirements of Florida Statutes sections 125.83 through 125.86. Prior to submittal to the Board, the Committee shall have held three public hearings on the proposed charter at intervals of not less than 10 nor more than 20 days. At the final hearing the Committee shall incorporate any amendments it deems desirable, vote upon the proposed charter, and, if the proposed charter receives a majority of favorable votes, forward said charter to the Board for consideration by the Board in the manner described in paragraph (1) above.

7. The Board confirms its intent to proceed under Part IV Chapter 125 Florida Statutes pertaining to charter government.

This resolution shall take effect upon the date of its adoption.

PASSED AND ADOPTED this 9th day of October, 1990 by the Board of County Commissioners of St. Johns County, Florida.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: Craig A. McGuire
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Carl "Bud" Markel
Its Clerk

CARL "BUD" MARKEL
CLERK OF THE CIRCUIT COURT
HISTORICAL ST. JOHNS COUNTY
POST OFFICE DRAWER 300
ST. AUGUSTINE, FLORIDA 32085

ST. JOHNS COUNTY COURTHOUSE
PHONE 904/825-2344

September 10, 1990

Hon. Board of County Commissioners
St. Johns County
County Administration Building
St. Augustine, FL 32084

IN RE: RESOLUTION CREATING CHARTER COMMISSION

Dear Board:

It has come to my attention as secretary to the Board of County Commissioners a resolution before you to create a charter commission pursuant to chapter 125.61, F.S..

Attached to the basic resolution is an instrument titled some basic differences between charter and non-charter government. It is this instrument which once again has half truths and distortions which I wish to address.

1. Structure of county government specified in Charter.
While this is true in part, it must be remember that Charter Government cannot override some aspects of the Florida constitution. This change will cause a great increase in the cost of running local government in St. Johns County and to the tax payer thereof. I must propose this to the Board, as to the wisdom of changing the structure of the county government at this time, when the structure of county government will be changed dramatically in November 1990.

2. Chapter 125 provides the Board of County Commissioners with numerous changes currently and other changes such as taking place in November which can be done under our current structure. This particular advantage is a distortion of the truth.

3. This I have pointed out under paragraph "one".

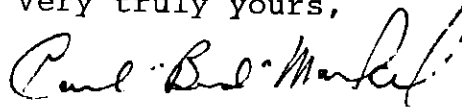
4. Chapter 125 provides for these currently with the exception of recall, which is provided elsewhere under law. I would like to point out to the Board that the best system devised in America is the Grand Jury System which has full authority to review any happening in local government. Recall of public officials should be a necessary place in government, but as each of you should know it would inhibit the discharge of your constitutional duties. That a certain group could put petitions to recall you, **your** freedom to legally discharge your duties for your constituents would certainly be inhibited.

5. It is true that a charter can require an Administrative Code, but anyone working in government knows that this is giving law making authority to non-elective officials. This is the layering of bureaucracy that takes government away from the people and place it in the hand of the bureaucrats.

6. I take exception that this is not the truth, unless the Board is contemplating consolidated charter government. If it is, then to be truthful to the tax payers in the three municipalities of St. Johns County, you should make this known at this time. Distorting the truth to the tax payer of St. Johns County seems to be a way of life for certain individuals who are proposing this.

The truth is the Board of County Commissioners has tremendous executive powers under chapter 125 and other statutes now in effect. Consolidation of certain municipal functions can be done under current law if this Board and the Municipalities so wished. While St. Johns County has experienced growth as have so many other counties in the state of Florida, we are still a county with a population of approximate 87,000 people. In taking this opportunity to point out these problems and distortions, which a certain group of ill-informed persons keep putting out with slanted exhibits to a resolution such as this, certainly does not foster credibility to the Board. At a time when the Board of County Commissioners should be showing integrity and credibility to the people, this goes in the opposite direction.

Very truly yours,



Carl "Bud" Markel
Clerk of Circuit Court