

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
AUGUST 29, 2008
(9:00 A.M.)**

Proceedings of a special meeting of the Board of County Commissioners of St. Johns County, Florida, held in the auditorium at the County Administration Building, 4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Proof of publication of the notice of the Special Public Hearing by the St. Johns County Board of County Commissioners was received, having been published in *The St. Augustine Record* on August 21, 2001.

Present were: Thomas G. Manuel, District 4, Chairman
 Cyndi Stevenson, District 1, Vice Chair
 Ron Sanchez, District 2
 Ben Rich, District 3, Chairman
 James Bryant, District 5
 Michael D. Wanchick, County Administrator
 Patrick McCormack, County Attorney
 Terry Bulla, Deputy Clerk

(08/29/08 - 1 - 9:03 a.m.)
CALL TO ORDER

Manuel called the meeting to order.

(08/29/08 - 1 - 9:03 a.m.)
ROLL CALL

Manuel stated that all five commissioners were present.

(08/29/08 - 1 - 9:03 a.m.)
Stevenson gave the Invocation and Manuel led the Pledge of Allegiance.

(08/29/08 - 1 - 9:05 a.m.)
PUBLIC COMMENT

No general public comment.

(08/29/08 - 1 - 9:05 a.m.)
ADDITIONS/DELETIONS TO SPECIAL AGENDA

None

(08/29/08 - 1 - 9:05 a.m.)
APPROVAL OF SPECIAL AGENDA

Motion by Rich seconded by Sanchez, carried 5/0, to approve the Special Agenda as submitted.

(08/29/08 - 1 - 9:06 a.m.)

1. LOCAL OPTION SALES TAX FOR LAND CONSERVATION, FARMLAND PRESERVATION AND TRANSPORTATION

Commissioner Mary Kohnke, 29 South Roscoe, spoke regarding staying with the specified purposes and not to use it for a catch all.

(9:08 a.m.) Roger Van Ghent, 4005 Moultrie Forsyth Blvd., spoke in favor of the proposal.

(9:15 a.m.) McCormack said there were two versions of the Ordinance. He said they had met and reviewed it with the Trust for Public Lands and they were in accord. He reviewed the changes that had been made to the Ordinance in the red line copy. He said the ballot language was significantly reworked. He read the Official Ballot. Manuel stated that wording could be refined over the next few months. Sanchez said he disagreed with the wording altogether. Discussion ensued.

(9:25 a.m.) Rich commented on the recreation issue and the issue became how the municipalities would divide up the tax under the restrictions of the County ordinance. Discussion ensued.

(9:28 a.m.) McCormack said that since the municipalities were entitled to a portion of the funds, he was not confident that they could direct the municipalities on how to use it. He said they had just negotiated a one word change to insert the word "passive" before recreation and then on the third line from the bottom, "shall St. Johns County levy" will be changed to "shall the County". He said that would be sufficient.

(9:30 a.m.) Doug Worth, 108 Sea Island Lake Court, Ponte Vedra Beach, spoke regarding passive recreation, and said the words did not make sense to him. Manuel explained the meaning of the word "passive" as it was used in this context.

(9:32 a.m.) Stevenson said passive parks weren't necessarily inactive parks and explained her understanding of what was intended by the language. She asked if Tot Lots would be prohibited.

(9:34 a.m.) Will Abberger, Trust for Public Land, 306 S. Monroe St., Tallahassee, said the clear intent of the language and the ordinance referenced resource based recreation and he said the insertion of the word "passive" would make that clear.

(9:35 a.m.) Rachel Bennett, 3231 Haley Point Rd., suggested that as part of due diligence on the local sales tax, that they check with their GIS Department. She said they should look at what was currently out of the tax base and what impact the additional land purchase for conservation would have on the tax base. She said when land was taken out of the tax base it did not help other needed critical public services such as schools, Fire department, Sheriff's Department. She encouraged them to take that into consideration and provide that information to the citizens of the County. Discussion ensued.

(9:39 a.m.) Roger Van Ghent said he wanted to clarify the passive use aspect. He said LAMP Board members had discussed it many times and funds from the State were very restrictive in what you could do in a passive park. He said essentially it meant "don't harm the park." Improvements should not harm the park negatively.

(9:40 a.m.) Stevenson clarified that the sales tax was for five years.

(9:40 a.m.) Motion by Rich, seconded by Stevenson, to enact Ordinance No. 2008-42 calling for referendum for the question of whether to levy a one percent (one cent)

local government infrastructure sale surtax entitled "St. Johns County's natural lands, wildlife habitats, farmland preservation and transportation one cent sales tax."

McCormack asked the maker of the motion if he agreed to the inclusion of the ballot language, inserting the word "*passive*" in the first line of the 75 words before the word "*recreation*" and changing "*St. Johns County*" to "*the County*" in the third line from the bottom, and including page 5 changes where it reads "*to provide transportation system infrastructure improvements*" insert "*to serve existing development areas*".

(9:41 a.m.) Rich said the Ordinance was to read as amended by the County Attorney. The motion carried 5/0.

ORDINANCE NO. 2008-42

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, CALLING FOR REFERENDUM FOR THE QUESTION OF WHETHER TO LEVY A ONE PERCENT (ONE CENT) LOCAL GOVERNMENT INFRASTRUCTURE SALES SURTAX IN ACCORDANCE WITH SECTION 212.055(2), FLORIDA STATUTES; PROVIDING FOR THE DURATION OF THE SURTAX; APPROVING THE LEVY OF SUCH SURTAX; PROVIDING FOR THE USE OF THE PROCEEDS OF SUCH SURTAX IF APPROVED AT SUCH REFERENDUM; PROVIDING FOR THE REFERENDUM PROCEDURES; AND PROVIDING FOR RESOLUTION OF CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE AND THE DEPARTMENT OF REVENUE; AND PROVIDING AN EFFECTIVE DATE

(08/29/08 - 3 - 9:42 a.m.)

2. DISCUSSION AND INPUT ABOUT HOME RULE CHARTER REFERENDA

Notice of publication of the notice of a Special Hearing regarding the Ordinance for a Home Rule Charter was received, having been published in *The St. Augustine Record* on August 19, 2008.

(9:42 a.m.) Mary Kohnke, spoke regarding the Charter, and said they owed it to the citizens to be clear about what was being proposed. She said it was a poorly presented ballot question, and they could and must do better. She questioned the Sheriff's involvement in the election. She thanked Rich for his service to the County.

(9:50 a.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra, requested them to put the ballot back on the November ballot. She commented on the misleading information that had been sent out regarding the Charter.

(9:52 a.m.) Ed Paucek, 970 Erma Way, said the electorate had spoken. He said to bring Charter back with minor changes was audacious, and almost pompous. He said if they felt so strongly about the Charter, then bring in on without the amendments. He said they did not need a charter, the community was too small and it was ahead of the curve. Paucek clarified that he was speaking on behalf of himself and not the Builders' Association.

(9:54 a.m.) Don House, 183 North Roscoe, reminded the Commission that there was a series of meetings held throughout the County to explain the Charter. He said it

appeared there had been an overwhelming lack of interest in the Charter, and less than one half of one percent of the electorate showed up to learn about it. He said it was put on the ballot and soundly defeated. He stated that regarding the claim that lies were told, that one's perspective, sometimes determined, whether something was a lie or not.

(9:57 am.) Roger Van Ghent, 4005 Moultrie Forsyth Blvd., said what it came down to was the education of the people. He said if they were not given the proper information they would not vote knowledgeably. He said the mailings sent out, were sent illegally because they were not registered PACS. He said there was a difference between the difference of opinion and facts. He reviewed the statements which had been made in the mailings and refuted them as false. He said the Charter gave the people the chance to determine how well government and the Commissioners were functioning.

(10:04 a.m.) Richard Bowers, 6504 Burnham Circle, Ponte Vedra Beach, said they had home rule since 1968, and they did not need a charter to have home rule. He said the Charter was a good idea, but if they were going to do it, they needed to have a workshop so that there was more community involvement with municipalities as well as other local governing agencies. He noted that only 16 of 67 counties had gone to charter. He stated that there was a strong message that people did not understand what they were doing, and there was a sense of distrust or discomfort. He suggested they take the time to do it right, appoint a broad based charter committee, do everything in the sunshine and hire someone who was an independent charter expert to oversee the process.

(10:10 a.m.) Manuel commented regarding the Clerk's position in Duval County previously referenced by Van Ghent. Discussion ensued.

(10:12 a.m.) Rich commented that the Board was concerned with large donations to campaigns that involved corruption, and of charges of illegal campaign contributions to buy influence on the Board, actually buying Commission seats, by entities that didn't even vote. Bowers responded that to imply that donations by a corporation were to influence a Board member, might be a reach, and was certainly a generalization. Rich said he differed with him.

(10:16 a.m.) Bryant said he agreed with what Bowers had said about doing the Charter right. He said he was not against the Charter but the whole structure and nature of their government needed to be addressed.

(10:17 a.m.) Jim Wheeler, 4240 Leaping Deer Lane, said he was there speaking for himself, his bride and mother. He said it was a question about process, and if they reconfigured it slightly and put it on the November ballot, they would be discounting the 15,000 people who had already voted on the ballot. He said they, the Board, had made it confusing, and it was their responsibility. He said to jam it into the next 60 days to get it done on time was not good. He said he respected Commissioner Rich and he had heard him and Sanchez comment on the will of the people. He said the voters had spoken, and it was not fair or right to do what they were considering that day. He said a charter was fine, but it ought to be done the right way. He said they had an education problem and they needed to deal with that.

(10:21 a.m.) Craig Maguire, 1544 San Rafael Way, said he was speaking as an individual. He said the public hearing for the charter ordinance was advertised on August 19th and the advertisement clearly read *"and further proposing to the electors as a separate question or amendment a provision in the Charter that no commissioner shall appear on the ballot for more than two consecutive four year terms and for the ballot title and summary for the measure; and further proposing to the electors as a separate question or amendment a provision in the Charter*

that the commissioners be qualified and elected on a non partisan basis and for the ballot and title summary of the measure; and further proposing to the electors and as a separate question or amendment a provision in the Charter requiring a majority plus one of the Board for approval of certain development orders in the area east of the Intracoastal Waterway within the unincorporated areas of the County and for the ballot title and the summary of the measure.” He said the proposed Charter had removed the separate questions and incorporated them into the Charter. He said changes could be made to what was advertised only if they did not substantively (not substantially) change what was advertised. He said something could be removed but not added if it was advertised. He said to take them out and stick them into the ordinance was a major and substantive change from what was advertised. He said he had supported, for almost 20 years, development of a good charter for St. Johns County, and been unable to get it passed. He asked them to take the opportunity to create a Charter Commission from the districts, Constitutional Officers and the incorporated municipalities. He said it would be possible to have a good charter back on the 2010 ballot.

(10:25 a.m.) Rich asked Maguire if he had anything to do with the mail out. Maguire said that it was in the newspaper that he had. Rich asked if he was aware of the charges filed against those entities for illegal election activity. He said he was.

(10:26 a.m.) Heather Naughton, 6 Lakeshore Drive, said the Board had written the ballot and put the words on the ballot. She stated that the people had voted, and 66 percent of the people did not want the Charter. She said the Board should listen to them. She said she was confused at how they could sit there and say they were going to put it back on the ballot. She cautioned that many of her younger friends did not vote because of what was going on right now with this Charter. They said that when they cast their vote it would not mean anything. She said she voted every opportunity given and for the first time she had to ask herself, why did I even bother going to the polls on Tuesday? You’re just going to overturn an overwhelming vote. She asked the Board to consider her feelings.

(10:28 am.) Carl “Bud” Markel, 136 Summerhill Circle, said the Board set the date for the vote and if they had been politically astute, they would have determined with the Supervisor of Elections that it was going to be a small vote. He accused them of placing three amendments for a separate issue with the Charter, which they were now using the to bring the defeated Charter back. He said it was cheating and lying. He said that Van Ghent’s assertion to take the checkbook away from the Clerk was incorrect, and it would result in no checks and balances. He said checks and balances had to stay, and that was what concerned him most about the Charter.

(10:32 a.m.) Jon Hunt, 2692 Palencia St., said he had no problem with a charter but was opposed to this Charter and asked them to not put it back on the ballot. He asked them to look at the individual items and to determine where they stood on them, and to encourage the Constitutional Officers to express their opinions on the matter.

(10:33 a.m.) Tom Costeira, 4517 Meadow Wood Lane, Elkton, Chairman of the St. Johns County Chamber of Commerce spoke on behalf of the St. Johns County Chamber of Commerce Board of Directors. He gave an overhead presentation (Exhibit A), and said the Chamber of Commerce was opposed to the Charter. He showed the precincts that had voted against the Charter (21 of 47 voted no, and 7 voted yes), as well as the areas that voted to support the Charter, and it was clear that the majority of the county did not support the Charter. He said almost 63 percent of the county voted no. He noted that the Commission had forced the vote to take place on the primary election. He stated the voters voted yes on the amendments because the Charter did not address them and they were separate issues. He said the amendments were attached and said

“if” the Charter was approved. He stated that support of the amendments did not mean there was support for the Charter. He said it was paramount to double jeopardy and was a slap in the face to the democratic process. He questioned whether it was even legal, and cautioned that they needed to honor the process.

(10:41 a.m.) Rich asked about the illegal mail out and whether he supported it. Costeira said he did not support the mailing, but he did not support the Charter. He said it was his (Rich’s) opinion that the mail out had influenced the outcome of the election. Costeira said it was his personal opinion that those flyers were insignificant as compared to the amount of public activity that was involved prior; the Record had put out commentary and letters to the editors and the Chamber had put out information. He said he thought Amendment 1 was what had the greatest influence on the defeat, because of the unintended consequences. He said the people wanted a charter that was done properly with public input, research, promoted, popular support and put in the next election cycle. He said if they proceeded that day, they were spitting in the face of the public and telling them that they (the Board) knew best.

The Board recessed at 10:46 a.m. and reconvened at 10:59 a.m.

(10:59 a.m.) Mr. House said that many people had not received the mailings and they should consider that.

(11:00 a.m.) Mary Kohnke, 29 South Roscoe, commented on comments Markel made about 1981 and she was not here in 1981 and said she would never go and speak to him.

(11:01 a.m.) David Wiles, 8220 A1A South, said he was speaking as an individual. He thanked the Board for their service. He said on the issue of the Charter, they should not have held it during a primary, which gave a poor voter turnout, and they would have had a larger pool during the General Election. He said a coalition that involved Constitutional Officers, municipalities and others was important to get a charter passed. He said some units had vested interests in not having a charter, and it had to be negotiated carefully and well. He said the three amendments provided telling information about policies that were in the purview of the Commission to build upon.

(11:05 a.m.) Commissioner Fred Green, 160 Green Rd., said in 1968 the County Commission was authorized by the State of Florida to choose Charter Government or Home Rule. He said he sat on the Board at that time and they decided on Home Rule because it gave them all the power and authority that they needed, and they decided that future County Commissioners did not need more authority. He said they already had the power and authority to enact those things in the amendments and to slow down growth and building under their zoning laws. He said the public had spoken.

(11:06 a.m.) Herbie Wiles, 63 Bayview Drive, said he had voted for 60 years and there had always been a low turnout for primary elections, and there was a good chance of passing most initiatives because so few people would vote. He said he trusted government that listened to the citizens that it represented. He said 6 out of 47 precincts voted for the Charter. He said those who voted for the amendments and against the Charter were saying that there was something wrong with the Charter. He asked them to appoint a Charter Commission to, 1) study county government 2) hold public hearings to ask the citizens what they wanted from county government, and when those studies were done they could 3) work on the Charter. He said Charter Commissions in the past had not worked because they tried to do all those three things at the same time. He said if they put it back on the ballot, they were taking a gamble of losing. If they did it the way he recommended, they could have a good Charter ready for the 2010 elections.

(11:11 a.m.) Malcolm Robinson, 1103 Stangers Beach Dr., Ponte Vedra Beach, said the voters had spoken and the Board needed to respect that. He said if they proceeded, it was an act of arrogance that the voters would not forget. He asked them to do it correctly.

(11:12 a.m.) Carl Kumpf, 7830 A1A South, St. Augustine, said when voters made their decision it was usually upheld. He said he went to the meetings explaining the Charter, and had tried to become educated on the issue, and his final opinion was that he voted against the Charter but in favor of all three amendments. He noted the word "if" meant that if the vote was against the Charter, that it needed to be upheld regardless of their personal opinion. He stated that he was not against the general idea of Charter government. He asked why only 17 counties had accepted that form of government and the reasons why other counties had turned it down. He said it needed to be based on good solid facts and understanding, as there was a feeling that some of the people did not understand it. He asked them to take the time to appoint the people to put it together and do it the right way. Rich explained the percentage of people that live under Charter.

(11:19 a.m.) Marci Silkebaken, 1145 Neck Rd., Palm Valley, asked why anyone would want to oppose having the ability to tailor ordinances specific to St. Johns County. She said all but two precincts approved terms limits, non partisan elections and height limits. She said thousands of dollars had been spent to misrepresent the facts. She reviewed the efforts that had been made by the individuals who were involved in writing the charter. She reviewed provisions of the Charter and how they would affect the citizens of the County. She asked to let the voters decide if they wanted to approve the amendments.

(11:24 a.m.) Rev. Helen Toby, 904 Palermo Road, said regarding the Charter, that Federal Law superseded local law. She said she respected what they were trying to do and said they could do it on the State level as well as they could do it with a charter. She said some people felt left out, and asked them not to condescend to the voters. She said they pledged to be inclusive and to listen to the people. She said the people had spoken; listen to them.

(11:35 a.m.) Doug Crane, 994 Ponte Vedra Blvd., Ponte Vedra Beach, said 62.5 percent of the people had voted against the Charter. He reviewed a history of how the Charter was handled and the flaws that took place during the process. He said the Board had said it would not affect the Constitutional officers, but it would because of the word "unless". He said the people had spoken. He asked them to do it again, but to do it the right way with the proper input.

(11:38 p.m.) Doug Laidlaw, 120 Stokes Landing Rd., said he was speaking as an individual citizen. He said he did not get one of the mailers, but voted for the Charter because of the three amendments. He said they gave a poor man a fighting chance to run an election. He said the most important thing he had heard was that the voters had spoken, and that many of the things proposed in the Charter could be done without a charter. He noted that some people did not want to be educated and did not pay attention. He said the turnout was pathetic, and people better pay attention, get out and vote and elect people on substance. He said that with a little work, some additional people would support it. He said it was time to give it a rest.

(11:44 a.m.) Rich said the real issue involved his oath of office to promise to the people of the State of Florida and the United States that he would support the constitution of the State of Florida and the laws of the County. He said the question was if he had

reasonable suspicion if the election laws were violated, and he did. Because of that he said he had no choice but to recommend that the issue be placed back on the ballot. He asked whether the Board wanted to include the three amendments.

(11:47 a.m.) Sanchez said a lot of things were said to get the people in the southern part of the county to vote against the amendment. He reviewed those comments, the ads and refuted all the false statements. He said they were blatant lies. He said he would support letting the voters decide, and was going to support it being put on the ballot and with adding the amendments. He said they would be voting on a different and changed document. He also read an editorial from The Florida Times Union dated August 26th, regarding scaring voters at the last minute. He said it was not fair to the voters.

(11:56 a.m.) Bryant said they needed to look at the bigger pictures and if they didn't take this opportunity to refine the Charter, they would kill their chance for a long time.

(11:57 a.m.) Stevenson said that the County Commission had spent a large amount of political capital on this Charter. She said she had spoken to the group about process in order to improve the outcome. She said there were a number of unfinished projects which were neglected because of taking on other things including the Charter. She stated that the Board should search their hearts to determine what the people of the County were willing to allocate between now and the election. She said they had been given tremendous guidance. She said she had no choice but not to support the Charter, but it was not the Board's role to determine the legality of advertisements as another board was responsible for that. She said she did not oppose Charter because she wanted it for height limits. She said she was disappointed it didn't pass but also that it did not receive proper process. She said the people had spoken clearly.

(12:07 p.m.) Rich said Maguire had admitted to what he had done and that alone was enough for them to give it back to the people for another vote.

(12:08 p.m.) McCormack said the Board needed to make two decisions. The first was to decide whether to put the item back on the November ballot. If yes, to determine whether the item should be seen as it was on the primary ballot or if it would be an amended Charter with the amendments included within the main Charter. He said a question had been raised on the title of the Ordinance which had been published. He cited a recent Supreme Court of Florida's opinion regarding what was published in the form of an ordinance and what the governing body ultimately decided upon. He said the Supreme Court found that the standard was whether the ordinance's general purpose had been changed. He said it was his legal opinion that to make the amendments part of the general charter, met the test of the ordinance's general purpose. He said the package they had, had two versions, one from August 26th and another version with the three amendments included. He reviewed both of them and the changes that had been made.

(12:13 p.m.) **Motion by Rich to enact Ordinance No. 2008-43, which provides that, at the November 4, 2008 General Election, the qualified electors of St. Johns County will consider whether to adopt a Home Rule Charter for St. Johns County, and to include the three amendments, which were approved, on the November 26th election.**

McCormack showed a revised ballot description to clarify the wording that made it more readable. He read it into the record the recommended ballot language. *"Shall St. Johns County electors adopt a home rule charter county government; provide for charter amendment methods and limitations; limit charter commissioner terms to eight consecutive years; provide non-partisan election of charter commissioners; provide for charter commissioner*

recall, residency requirements, and campaign finance regulations; require super majority charter commissioner approval of coastal structure height above 35 feet in unincorporated county area; provide for conflict resolution between municipal and county ordinances; and preserve elected constitutional officers? Yes for approval. No for Rejection.

(12:16 p.m.) Rich said the motion was amended to include the new ballot language as read by the attorney, seconded by Sanchez.

(12:16 p.m.) Stevenson said the fact that they did not trust the voters to understand political discussion and rhetoric, did not speak well for future amendments. She said it was an ideologically inconsistent argument.

(12:17 p.m.) Manuel said the reference to improper process bothered him. He said it was a completely legal document and perfectly permitted by State legislature. He said he took responsibility for the confusion on the ballot, and apologized for the confusion. He said he was wrong and Stevenson was correct on the fact that it should have been on the November ballot rather than on the primary and apologized to her. He said there was not an overwhelming mandate, but on the November ballot there would be an overwhelming mandate.

(12:20 p.m.) McCormack said he wanted to confirm with the maker of the motion that your motion for that ordinance did include the revisions as he had previously described. Rich said that was correct and the second by Sanchez also accepted.

(12: 21 p.m.) Roll call vote:

Manuel: Yes
Bryant: No
Stevenson: No
Sanchez: Yes
Rich: Yes

Motion carried 3/2, with Bryant and Stevenson dissenting.

ORDINANCE NO. 2008-43

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA PURSUANT TO SECTIONS 125.60-64 AND 125.82, FLORIDA STATUTES, PROPOSING TO THE ELECTORS OF THE COUNTY THE ADOPTION OF A HOME RULE CHARTER; EXCLUDING THE CONSTITUTIONAL COUNTY OFFICERS FROM THE EFFECT OF THE CHARTER; PROVIDING IN SUCH CHARTER FOR THE FORM AND POWERS OF THE COUNTY GOVERNMENT; SEPARATION OF LEGISLATIVE FROM EXECUTIVE POWERS; CREATION OF A CHARTER BOARD OF COMMISSIONERS AS THE GOVERNING BODY OF THE COUNTY; PROVISION FOR RESIDENCY REQUIREMENTS, DISTRICTS, REDISTRICTING, NONPARTISAN ELECTION, TERM LIMITATION, CAMPAIGN FINANCE REGULATION, TERMS OF OFFICE, VACANCIES, COMPENSATION AND RECALL OF COMMISSIONERS; PROVISION FOR CONFLICT RESOLUTION BETWEEN COUNTY ORDINANCES AND MUNICIPAL ORDINANCES;

PROVISION FOR THE ORGANIZATION OF THE EXECUTIVE BRANCH, THE ADOPTION OF AN ADMINISTRATIVE CODE, AND FOR THE APPOINTMENT, QUALIFICATIONS, AND COMPENSATION OF A COUNTY ADMINISTRATOR AS HEAD OF THAT BRANCH; PROVISION FOR THE APPOINTMENT, QUALIFICATIONS, COMPENSATION, DUTIES AND POWERS OF A COUNTY ATTORNEY; PROVISION FOR METHODS AND LIMITATIONS OF AMENDMENT OF THE CHARTER; PROVISION FOR A CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES, FOR THE PROHIBITION OF POLITICAL ACTIVITY BY THE COUNTY ADMINISTRATOR OR COUNTY ATTORNEY, AND THE PROHIBITION OF EMPLOYMENT DISCRIMINATION; PROVISION FOR A MAJORITY PLUS ONE OF THE BOARD FOR APPROVAL OF CERTAIN DEVELOPMENT ORDERS IN THE AREA EAST OF THE INTRA-COASTAL WATERWAY WITHIN THE UNINCORPORATED AREA OF THE COUNTY; PROVISION OF AN EFFECTIVE DATE OF THE CHARTER AND FOR CONTINUITY AND TRANSITION OF GOVERNMENT; AND PROVISION FOR SEVERABILITY FROM THE CHARTER OF ANY INVALID PORTION; PROVIDING FOR THE SUBMISSION OF THE PROPOSED CHARTER TO THE ELECTORS OF THE COUNTY AT A GENERAL ELECTION ON NOVEMBER 4, 2008 AND FOR THE BALLOT TITLE AND SUMMARY OF THE MEASURE; PROVIDING FOR OTHER CHARTER RELATED PROVISIONS; PROVIDING FOR SEVERABILITY OF ANY INVALID PORTIONS OF THIS ORDINANCE AND PROVIDING AN EFFECTIVE DATE.

(12:22 p.m.) Bryant explained that he had to leave the meeting. He said he was in support of item No. 3 as long as they had the right funding source, the Tree Bank Fund for now.

(08/29/08 - 10 - 12:22 p.m.)

3. DISCUSSION CONCERNING REHABILITATION FUNDING

McCormack noted that Rich had raised the issue of wildlife rehabilitation funding. He said the proper place to handle mitigation for the loss of trees was through the existing Tree Bank Fund, formed to replace trees and also could be revised to mitigate for the loss of trees, including the negative effects to wildlife. He said it would be coming before the Commissioners for the first hearing on September 3rd with the revised Tree Bank language allowing for that use, and for a second hearing on October 28th for final adoption.

(12:23 p.m.) Rich said he was passionate about that issue. He said it would allow the Board to use an existing fund to take care of orphaned, injured and displaced wildlife. Discussion ensued. Sanchez asked if they could adjust the money already budgeted to HAWKE even though the required dates had passed for the budget process. McCormack said the Office of Management and Budget would have to answer that.

(12:25 p.m.) McCormack spoke regarding the language. He said there had to be a nexus between the loss of the trees and the treed acres and the requested use of the funding.

He said it had to be tied to that effect, which would be determined by the Environmental Manager and the County Administrator.

(12:26 p.m.) Stevenson said she had asked to defer the September 5th hearing to determine how the Tree Fund was spent. She said there were many questions that needed to be addressed and parameters needed to be set. She said she supported the mission, but wanted to make sure it didn't get too big.

(12:29 p.m.) Rich said they presently funded HAWKE out of the General Fund in which \$10,000 would stay, the burden would be shifted to the people who were causing the problem, and the Tree Bank Fund could be used for that.

(08/29/08 - 11 - 12:30 p.m.)

4. OTHER BUSINESS AS NECESSARY

There was none.

(08/29/08 - 11 - 12:30 p.m.)

COMMISSIONERS' REPORTS

Commissioner Rich:

None.

(12:30 p.m.)

Commissioner Sanchez:

None.

(12:30 p.m.)

Commissioner Stevenson:

She said that on September 22nd they would be asked to sign a Memorandum of Understanding regarding a five county River to Sea Trail Loop, part of the regional Greenway Plan. She said it would be a commemorative signing with Congressman Mica present at noon at the Castillo de San Marco. She said it would be the longest loop nationally, from St. Augustine, through Hastings to Palatka, down the western side of the St. Johns River, and ending up in the Cape Canaveral Area. She said there would be an inaugural ride in November. She said it would have an economic benefit for the County and for Florida.

(12:35 p.m.)

Commissioner Manuel:

None.

(12:35 p.m.)

Commissioner Bryant:

None.

(08/29/08 - 11 - 12:35 p.m.)

COUNTY ADMINISTRATOR'S REPORT

Wanchick gave the good news that the County had just closed on the Taylor Woodrow property, right-of-way for 9-B, and said there was only one piece of property left to acquire the total needed right-of-way for 9-B. Stevenson thanked Wanchick and his staff and volunteers for the hard work they had done during the recent emergency caused by Tropical Storm Fay.

(08/29/08 - 12 - 12:36 p.m.)
COUNTY ATTORNEY'S REPORT

None.

(08/29/08 - 12 - 12:36 p.m.)
CLERK OF COURT'S REPORT

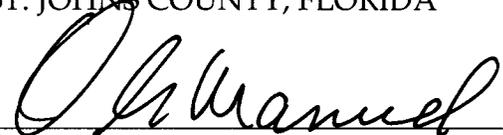
None.

(12:36 p.m.) **Motion by Sanchez, seconded by Rich, carried 4/0 with Bryant absent, to adjourn the meeting.**

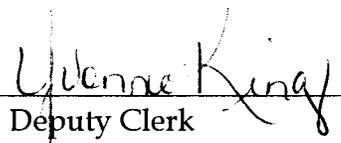
With there being no further business to come before the Board, the meeting adjourned at 12:36 p.m.

Approved _____ September 16 _____, 2008

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: 
Thomas G. Manuel, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

By: 
Deputy Clerk