Committee Members In Attendance:

Chairman Wayne Sapp, Vice Chair Jessica Natale, Ozell Graham, Audrey Bullard, Blaine Hudson, David Rountree, Rick Carpenter, Karl Burkhardt, Dean Moore, Greg Delgado, Koby Adams, Rob Summerall, and Marc Vann. (Absent: Mario Coppock, Dean Moore, Donald Cook).

Others In Attendance:

County Manager Williams, Deputy Clerk Sandy A. Markham, and Administrative Secretary Carolyn Baker.

The meeting came to order. Mr. Ozell Graham opened with prayer. Mr. Rob Summerall led the Pledge of Allegiance to the Flag of the United States of America. Deputy Clerk Sandy Markham took roll.

I. Housekeeping Matters

1. Review of F.S. 286.021 (Voting by the Chair) and F.S. 30.15 (Security)

   Chairman Sapp read a letter received from Attorney Marlin Feagle dated August 30, 2005 where an opinion was offered regarding “voting by the chair,” and “the use of security officers” at the Charter Meetings. Chairman Sapp then summarized that it is not mandatory that security be present at the meetings and in most cases not necessary. Also, the Chair may not make a motion or second a motion, but must always vote unless there is a conflict of interest.

   MOTION by Audrey Bullard to accept the opinion. Second by Karl Burkhardt. The motion carried unanimously.

2. Marc Vann who served as chairman of the sub-committee appointed to review suitable sites to hold meetings met at the former Welcome Center to discuss future meeting sites. The subcommittee agreed unanimously to recommend to the Charter Committee that the former Welcome Center building be used for future meetings. Also, the subcommittee agreed that the building has sufficient room and is suitable to use as the Charter Committee Headquarters. Mr. Williams assured the subcommittee at that time that the members of the Charter Review Committee would have access to a computer, telephone and copy machine.

   MOTION by Ozell Graham to accept the subcommittee’s recommendation. Second by Jessica Natale. The motion carried unanimously.

   Rob Summerall reported that after research and speaking with several organizations, he believes it would be in the County’s best interest to work within the
confines of county staff to have clerical work completed. Also, to allow County Manager Williams to hire on additional staff if needed.

MOTION by Audrey Bullard to accept Mr. Summerall’s recommendation. Second by Koby Adams. The motion carried unanimously.

County Manager Williams explained a sound system purchase would cost from $600 up to $2000 or more. He explained that there are companies who will set the system up so that the committee can use it before deciding to make the purchase. He suggested the committee take advantage of this offer, rent a system to record the meetings until a decision has been reached, and allow staff more time to research sound systems. There was discussion as to whether the county would need to hire someone to operate a sound system if one is eventually purchased. However, it is impossible to know until the Board makes a final decision on a system. Chairman Sapp offered that the County could easily purchase sound equipment for what it would pay in rental fees over the next 30 plus meetings.

MOTION by David Rountree to allow staff to continue in researching sound system options and to allow the Charter Review Commission to be a part of all equipment demonstrations. Second by Karl Burkhardt. The motion carried 11-1.

County Manager Williams reviewed a list of Charter Consultants and Attorneys. The list of names were provided by other charter counties. County Manager Williams said all of the names came highly recommended, but suggested for continuity that the Committee consider using the attorney and original consultant the Charter Commission used. He added that Consultant Kirk Spitzer and Attorney Alan Watts’ fees would work within the approved budget. Audrey Bullard and Ozell Graham offered that Kirk Spitzer done a super job assisting with writing the charter. David Rountree added that Alan Watts did an awesome job as Charter Attorney, and for continuity, he would be in agreement to use Kirk Spitzer as the consultant. Chairman Sapp said that he recently had the occasion to speak with both Mr. Spitzer and Mr. Watts and found them both to be very knowledgeable.

MOTION by David Rountree to accept the recommendation of County Manager Williams. Second by Koby Adams. The motion carried unanimously.

County Manager Williams gave a presentation. The Committee learned:
- The organizational structure of the County.
- Public Works was added to the County Manager’s job duties.
- The County has two points of relationship to the constitutional officers; providing space and establishing a budget.
- The Tax Collector is a fee office and that his office is able to retain a portion of the monies collected for operation. The budget of that office is approved by the state. If the county does not agree with that budget, there is an appeal process available to them.
- The Sheriff can appeal to the Governor’s office if he is not in agreement with his budget.
- The Supervisor of Elections’ budget is set by the Board of County Commissioners and is appealable to the Governor’s office.
-The Clerk of Courts office has undergone many changes due to Article 5 Revision 7. These changes have taken place since the Charter’s implementation. The Clerk’s Office breaks down into three components: Clerk to the Board of County Commissioners, Clerk of Circuit Court, and Clerk of County Court. The Circuit and County Courts are both fee offices.

- Columbia County is the only county in Florida who has an elected county attorney. He is paid one hundred dollars per month, and he negotiates an hourly rate beyond that.

- The Charter resulted in two changes for the constitutional officers. That is that they are subject to recall and they are non-partisan.

- The County Commissioners serve at the pleasure of the citizens of Columbia County. The County Manager serves at the pleasure of the Board of County Commissioners. The departments fall under the County Manager. Beginning October 01, 2005, the 911 Department will fall under the Sheriff.

- In 1984 a complaint was filed in the District Court alleging that at-large countywide voting for members of the Columbia County Commission excludes black representation and participation, by minimizing black voting strength in violation of their rights secured by the Voting Right Acts of 1965. As a result, a Declaratory Judgment was entered in December 1985 finding that rights had been violated providing full access to the political process under the Voting Rights Act as amended in 1982. As a result, Columbia County’s election of commissioners are now single district voting as of December 1985. The question has been raised several times as to whether this can be changed. It would take another court order to change the current Judgment.

The government of Columbia County operates according to Florida Statutes 125. The salaries of County Commissioners is set by Florida Statutes or can be set by Charter. Currently, the salary of Columbia County’s commissioners is set according to Florida Statutes 145.

A brief overview of the tentative budget for Fiscal Year 2005-2006 was reviewed. County Manager Williams advised the Committee that the first public budget hearing will be Thursday evening if anyone is interested in hearing a more in-depth discussion. He concluded that the reserves of the county are approximately $25,000,000. Of that money, $15,000,000 is restricted, and $10,000,000 is unrestricted. “This money is the savings account of the county. It is not a recurring amount of money. This amount has been saved up through many, many years.”

The ability of local government to raise revenue for their operation is narrowly constrained by the state constitution. No tax shall be levied except in pursuance of law.

Regarding the Constitutional Fuel Tax – In 1941, the Florida Legislature proposed a constitutional amendment to levy a two-cents per gallon tax on motor fuel, and this tax was approved by the voters in 1943. The original intent of the tax was to cover the costs of state road construction. In its current form, the tax is a revenue source for counties only.

Home Rule Authority Revenue Sources – Under Florida’s Constitution, local governments possess strong home rule powers. Given these powers, local governments may impose a variety of revenue sources for funding services and improvements without express statutory authorization. A special assessment may provide funding for either capital expenditures or the operational costs of services, provide that the property which
is subject to the assessment derives a special benefit from the improvement or service. Examples of assessed services and improvement upheld by Florida courts include: garbage disposal, sewer improvements, fire protection, fire and rescue services, and water and sewer line extensions.

Special Assessments – Columbia County has had special assessments since 1987. Special Assessments are a home rule revenue source that may be used by a local government to fund local improvements or essential services. In order to be valid, special assessments must meet legal requirements as articulated in Florida case law.

User Fees and Service Charges – Local governments possess the home rule authority to impose user and regulatory fees and service charges to pay the cost of providing a service or facility or regulating an activity. Examples of such fees or charges include building permit fees, rezoning fees, recreational facility charges, and charges for comprehensive plan amendments. In contrast to taxes, user fees and service charges bear a direct relationship between the service received and the compensation paid for the service. The underlying premise for these fees and charges is that local governments may charge, in a reasonable and equitable manner, for the facilities and services they provide or regulate.

Utility Fees – Unless amended by the Charter, these fees are not an option for Columbia County. However, a local government operating a utility may charge for the services and products that it provides to its customers. The basis for the fee must be reasonably related to the cost of the service or product. The fee may include a reasonable profit, which may be used for purposes other than the provision of utility services or products.

Revenue Sources Authorized by the Legislature – With the exception of the ad valorem tax and several constitutionally authorized, state-shared revenue programs, local government taxing authority must be granted by statute. The principle revenue sources authorized by the Legislature are:

- Local Government Half-Cent Sales Tax Program
- County Revenue Sharing Program
- Municipal Revenue Sharing Program
- County Fuel Tax
- Distribution of Sales and Use Taxes to Counties
- Oil, Gas, and Sulfur Production Tax
- Mobile Home License Tax
- Insurance License Tax
- Insurance Premium Tax
- Alcoholic Beverage License Tax
- Phosphate Rock Severance Tax
- State Housing Initiatives Partnership Program
- Emergency Management Assistance
- Fuel Tax Refunds and Credits
- Wireless Enhanced 911 Fee

Local Government Half-Cent Sales Tax Program – Created in 1982, the program generates the largest amount of revenue for local governments among the state-shared
revenue sources currently authorized by the Legislature. It distributes net sales tax revenue to counties and municipalities that meet strict eligibility requirements. Allocation formulas serve as the basis for the distribution to each county and its respective municipalities. The program’s primary purpose is to provide relief from ad-valorem and utility taxes in addition to providing counties and municipalities with revenues from local programs.

County Revenue Sharing Program – The Florida Revenue Sharing Act of 1972 was a major attempt by the Legislature to ensure a minimum level of revenue parity across units of local government. Provisions in the enacting legislation created the Revenue Sharing Trust Fund for Counties. Currently, the trust fund receives 2.9 percent net cigarette tax collections and 2.25 percent of sales and use tax collections. An allocation formula serves as the basis for the distribution of these revenues to each county that meets the strict eligibility requirements. There are no use restrictions on these revenues; however, these are some statutory limitations regarding funds that can be used as a pledge for indebtedness.

County Fuel Tax – The county fuel tax is levied on motor fuel at the rate of one-cent per gallon. The legislative intent of this tax, as stated in F.S. 206.605 is to reduce a county’s reliance on ad-valorem taxes. The proceeds are allocated to each county via the same distribution formula as used for constitutional fuel tax. The proceeds are to be used by counties from transportation-related expenses, including the reduction of bond indebtedness incurred for transportation purposes. Columbia County implemented the One-Cent Per Gallon Gas Tax several years ago. It currently generates $860,000 per year.

Distribution of Sales and Use Taxes to Counties – Beginning July 01, 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. Therefore, an amount equal to $446,500 shall be distributed to each county.

Mobile Home License Tax – Counties, municipalities, and school districts receive proceeds from an annual license tax levied on all mobile homes and park trailers, and on all travel trailers and fifth-wheel trailers exceeding 35 feet in body length. The County receives money from each mobile home license sold.

Insurance License Tax – County government received proceeds from an annual license tax on the original appointment and renewal of insurance representatives, agents, and solicitors selling various types of insurance products pursuant to F.S. 624.501. The county government’s portion is $6.00 per license.

Alcoholic Beverage License Tax – A portion of the annual state license tax levied on manufacturers, distributors, vendors, brokers, sales agents, and importers of alcoholic and collected within a county or municipality in Florida is shared with those local governments. The taxes imposed under Florida Statutes, and are subject to having a portion redistributed to eligible counties and municipalities.

State Housing Initiatives Partnership Program – The State Housing Initiatives Partnership Program was created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production and preservation of affordable housing, to further the housing element of local government comprehensive plans specific to affordable housing, and to increase housing-related employment. The County’s current allocation is $350,000.
Emergency Management Assistance – In order to provide funds for emergency management, preparedness, and assistance, an annual surcharge of $2 shall be imposed on every homeowner’s, mobile homeowner’s, tenants homeowner’s, and condominium unit owner’s policy. In addition, an annual $4 surcharge shall be imposed on every commercial fire, commercial multiple peril, and business owner’s property insurance policy issued or renewed on or after May 01, 1993. All proceeds of the surcharge shall be deposited in the Emergency Management, Preparedness, and Assistance Trust Fund. A portion of the proceeds shall be distributed to counties and municipalities for the purpose of funding local emergency management agencies and programs.

Fuel Tax Refund and Credits – The County pays, but gets reimbursed. Under separate authorization, eligible counties, municipalities, and school districts may be entitled to refund or credits on taxes paid on motor or diesels fuel. Generally, the refund monies are to be used to fund the construction, reconstruction, and maintenance of roads.

Wireless Enhanced 911 Fee – Each wireless service provider shall collect a monthly fee imposed on each service subscriber who has a service number that has a billing address within the state. The fee shall be applied uniformly throughout the state. The fee rate shall not exceed 50 cents per month per each service number.

Local Occupational License Tax – Counties and municipalities may impose local occupational license taxes, and the tax proceeds can be considered general revenue for the levying municipality or county. Such a license is the method by which the local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. This type of license does not refer to any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection.

911 Fee – A county is authorized to impose a fee to be paid by the local exchange subscribers within its boundaries served by the 911 service. At the request of the county, the telephone company shall bill the fee to the local exchange subscribers served by the 911 service, on an individual access line per account bill rendered. The imposition of the fee is subject to a majority vote of the board of county commissioners or referendum approval. The proceeds shall be used only for those items or purposes specifically authorized. County Manager Williams told the Committee that this does not pay for the 911 system, but it helps.

Intergovernmental Radio Communication Program – 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 direct by s. 318.21, F.S. Pursuant to s. 318.21(10), F.S., $12.50 from 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. County Manager Williams explained that this is the program that was used to purchase all of the new 911 equipment.

Small County Surtax – This tax is split with the City of Lake City. Any county having a total population of 50,000 or less on April 01, 1992 is authorized to levy the Small County Surtax at the rate of 0.5 or 1 percent. County governments may impose the levy by either an extraordinary vote of the governing body if the proceeds are to be
expended for operating purposes or by voter approval in a countywide referendum if the proceeds are to be used to service bonded indebtedness.

Local Option Fuel Taxes – Local governments are authorized to levy up to 12 cents of local option fuel taxes in the form of three separate levies.

Ninth Cent Fuel Tax – This tax is a tax of one cent on every net gallon of motor and diesel fuel sold within the county. The tax may be authorized by an ordinance adopted by an extraordinary vote of the governing body or voter approval in a countywide referendum. Generally, the proceeds may be used to fund transportation expenditures.

1-6 Cents Local Option Fuel Tax – Local governments are authorized to levy a tax of 1-6 cents on every net gallon of motor fuel sold in a county. As the result of statewide equalization, this tax is imposed on diesel fuel in each county at the maximum rate of 6 cents per gallon. The tax on motor fuel may be authorized by an ordinance adopted by a majority vote of the governing body or voter approval in a countywide referendum. Generally, the proceeds may be used to fund transportation expenditures.

1 to 5 Cents Local Option Fuel Tax – This is the tax used to build the bypass. County governments are authorized to levy a tax of 1 to 5 cents upon every net gallon of motor fuel sold within a county.; Diesel fuel is not subject to this tax. This tax shall be levied by an ordinance adopted by a majority vote plus one of the membership of the governing body or voter approval in a countywide referendum. The tax proceeds may be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted local government comprehensive plan.

Tourist Development Taxes – Counties are authorized to levy five separate tourist development taxes on transient rental transactions pursuant to s 125.0104, F.S.

1 or 2 percent Tax – This tourist development tax may be levied by the county’s governing body at a rate of 1 or 2 percent on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance containing the enacted county tourist development plan.

The annual financial report for the Fiscal Year ending September 30, 2003 was briefly reviewed.

The County Manager touched on the impact of the Sunshine Law. He explained that members can talk about charter, but cannot come to a consensus regarding an issue before they meet.

**Matters Mentioned at the Conclusion of Presentation:**

Non-Ad Valorem Assessment - Exemptions granted to private not for profit, government entities, and hardship programs. The exempt dollar amount cannot be folded into the assessment. The county must find a revenue source to draw from to pay those exemptions.

Fire Suppression Service is a "recurring" expense, and is paid for through assessment. There is savings of "non-recurring" money in reserves that could be used for fire suppression, but many believe it would detrimental to the county to utilize/deplete the available reserves since this is not recurring money, and would rather it be there in the event of an emergency. As an example, County Manager Williams reported that in 2004,
Columbia County was one of the very few counties in Florida that was able to assist its residents with hurricane relief prior to FEMA's help. The reserves (savings) add to the financial stability of the county, and are available in case of crisis. All but $10,000,000 of the reserves are restricted monies. Mr. Williams assured the committee that this amount is far from being an excessive amount of savings. He explained that counties who have the greatest financial difficulties are usually those dipping into their reserves.

The question was asked whether every county has discretionary funds available to their county commissioners; if so the question was asked, “Is $50,000 a standard amount for a discretionary fund?” The response was that all counties do not have discretionary funds, and many who do have the discretionary funds do not have $50,000 available for each of the commissioners.

There were no further questions regarding the County Manager's Report.

Motion by Mr. Karl Burkhardt to accept the report. Second by Mr. Ozell Graham. The motion carried unanimously.

The Chair extended thanks to County Staff who assisted with putting together the book of facts reviewed by the County Manager.

III. The Chair's Call for Volunteers/Nominations

1. Volunteers to maintain the charter page on the county's website was requested. Mr. David Rountree volunteered to be responsible for keeping the page updated. Mr. Karl Burkhardt and Mr. Koby Adams agreed to assist.

2. Everyone was asked to begin compiling a list of questions they'd like to ask in the upcoming meetings. He asked that the list be provided to him at the next meeting.

3. There was a call for volunteers to makeup a timeline/calendar committee. The members to serve are: Ms. Jessica Natale, Mr. Mario Coppock, and Koby Adams. They will work together to establish a calendar and agenda of speakers.

IV. Other

Mr. Greg Delgado expressed that he would like to hear from the commissioners very soon as to what the feel the pros and cons of the charter have been. Mr. David Rountree said the County Manager also needs to be included so that the committee can hear how the Charter has affected his job responsibilities.

The Chair asked that the County reimburse him for a cell phone battery ($74.89), and for the upgrade to his phone ($15.00). MOTION by Ms. Jessica Natale to approve reimbursement. Second by Ms. Audrey Bullard. The motion carried unanimously.
The Chair asked the Committee to consider the purchase of 17 high-back swivel chairs. The chairs are now on sale, and an additional discount has been offered to the county. The total price of the chairs would be $571.85. The Chair believes that the chairs are desperately needed by the Committee and that the county can use them when the committee has disbanded.

MOTION by Mr. Ozell Graham to approve purchase of chairs. Second by Marc Vann for discussion.

There was question as to whether the county would need to go through a bidding process. County Manager Williams explained that the documentation in the Chair’s possession will be sufficient, because the dollar amount is low enough that it would not require the county to solicit bids. There was debate that whether it is "required" or not, other local businesses should be given an opportunity to make an offer.

MOTION amended by Mr. Blaine Hudson to accept three (3) bids prior to making the purchase. Second by Mr. David Rountree. The motion carried 6-5.

There was a call for the vote on the original motion. That motion carried 8-2. The Chair volunteered to obtain the requested bids. Since the original motion was amended, the Clerk questioned whether a vote was needed on the original motion.

V. Consent Agenda

1. Invoice - 1st Street Music - Sound System Setup for 8/23/05 Committee Meeting - $300.
2. Invoice - Signcraft Brothers, Inc. - Banner with extra grommets and border - $85.39.

MOTION by Greg Delgado to approve the Consent Agenda. Second by Koby Adams. The motion carried unanimously.

VI. Additional Discussion

Mr. David Rountree reminded the Committee that the Bylaws need to be reviewed very soon. That too should be put on the calendar.

There was the question of how items not scheduled on the agenda can be scheduled on future agendas for discussion. An example was the discussion of utility taxes. It was explained that there will be a time of public input and question, and that many items will have to be deferred until the attorney or consultant is scheduled to appear.
The Board agreed that Consultant Kirk Spitzer should be present at the next meeting.

Mr. David Rountree recalled that the Charter Commission was inundated with calls from residents of other counties regarding their attempts and successes at initiating a charter. Mr. Rountree reported having recently been contacted by Mr. Morris Harvey of Citrus County with questions. Mr. Rountree suggested members compile of list of people they've come in contact with and that public presentations be noted.

Ms. Jessica Natale in Mr. H.L.Sistrunk's behalf requested that a banner be put across Hwy. 90 advertising the charter meetings. That he be provided with a copy of the Charter, and that copies of the charter be put on the web.

For the record, the Chair stated the cooler he was using was his personal cooler and that he had paid for the water. He also stated that he was going to have the Lake City Reporter do an article that would hopefully educate the public. He reported having gone to several speaking engagements recently and found it rare that anyone had read the charter.

VII. Public Input

There was a request that the public be noticed when the elected officials are scheduled to speak.

There being no further business, the meeting adjourned at 9:00 p.m.

ATTEST:

Clerk of Circuit Court
P. DeWitt Cason

Chairman Wayne Sapp
Charter Review Committee