

A RESOLUTION OF THE CHARTER REVIEW COMMISSION OF CLAY COUNTY, FLORIDA, PROPOSING CHARTER AMENDMENTS FOR CLAY COUNTY, FLORIDA; PROVIDING FOR TRANSMISSION OF THE PROPOSED CHARTER AMENDMENTS TO THE BOARD OF COUNTY COMMISSIONERS FOR THE CALLING OF A REFERENDUM ON THE PROPOSED CHARTER AMENDMENTS; PROVIDING AN EXPLANATORY STATEMENT AND BALLOT TITLE FOR EACH AMENDMENT; AND AUTHORIZING MINOR CORRECTIONS BY THE CHAIR AND STAFF

WHEREAS, pursuant to the provisions of Section 4.2.B. of the Clay County Charter, the Board of County Commissioners of Clay County has appointed a Charter Review Commission; and

WHEREAS, the Charter Review Commission has received extensive public input and has deliberated and considered the desirability of certain amendments to the Clay County Charter; and

WHEREAS, the Charter Review Commission has held not less than three public hearings at the times required by law and has thereupon approved all amendments it deems necessary or desirable;

NOW, THEREFORE, BE IT RESOLVED BY THE CLAY COUNTY CHARTER REVIEW COMMISSION, AS FOLLOWS:

1. That the Charter Review Commission does hereby adopt and forward to the Board of County Commissioners proposed Charter Amendments for Clay County in the form attached as Exhibit A.

2. The Board of County Commissioners is requested to call a special election pursuant to law, concurrent with the next general election, for purposes of a referendum on the proposed Amendments.

3. The ballot title for each Amendment to the Clay County Charter shall be as set forth in the said Exhibit A.

4. The substance of each proposed Charter Amendment to appear on the ballot shall be as set forth in the said Exhibit A.

5. The Chair and counsel to the Charter Commission are authorized and directed to make such minor modifications and changes to the ballot title and statement of substance approved herein as may be necessary or desirable under the Constitution and laws of the State of Florida, so long as such changes do not alter the substance of this Resolution or of any Amendment; and they are further authorized to present to the Board of County Commissioners, and to make public, a report

of the proposed Charter Amendments; and otherwise to take all actions necessary and desirable to cause the proposed Charter Amendment to be subject to referendum approval.

6. The Charter Review Commission may reconvene at the call of the Chair or a majority of its members, at any time prior to its dissolution, for the purposes of planning and holding educational sessions concerning the proposed Charter Amendments, approving and forwarding its final expenses for payment, or for the conduct of any other lawful business.

APPROVED by the Clay County Charter Review Commission this 17th day of July, 2006.

CHAIR

ATTEST:

VICE CHAIR

EXHIBIT A

PROPOSED CHARTER AMENDMENTS FOR REFERENDUM

PROPOSAL 1

CODE OF ETHICS FOR COUNTY OFFICERS AND EMPLOYEES

Ballot Question:

SHALL THE CHARTER OF CLAY COUNTY BE REVISED TO REQUIRE THE BOARD OF COUNTY COMMISSIONERS TO ENACT A CODE OF ETHICS SUPPLEMENTING EXISTING CODES, FOR ALL ELECTED AND APPOINTED COUNTY OFFICERS, INCLUDING THE SUPERINTENDENT OF SCHOOLS AND MEMBERS OF THE SCHOOL BOARD, AND THEIR EMPLOYEES?

AMENDMENT _____.

Section 1. Section 2.2 of the Clay County Charter is amended to create a new Paragraph E, as follows:

E. Code of Ethics.

Before July 1, 2007, the Board of County Commissioners shall enact by ordinance a Code of Ethics. The Code of Ethics shall prescribe standards of conduct for members of the Board, the County Manager, the County Attorney, the County Auditor, all other elected or appointed County Officers including the Superintendent of Schools and members of the School Board, and the deputies and employees of all such officers. The Code of Ethics shall supplement and not contradict or supersede any statutory or administrative standards of conduct which apply to any such officer or employee. The Code of Ethics may include, but is not limited to, provisions defining offenses, establishing an ethics board to hear and determine charges, and prescribing penalties within the limits allowed by law. The Code shall not conflict with the power of the Governor to suspend county officers or of the Senate to remove them from office, or the power of the people to recall them from office.

Section 2. This amendment shall be effective upon approval by the electors of Clay County. If it is so approved, existing Paragraph E and the paragraphs which follow it in Section 2.2 of the Charter shall be relettered F, etc.

Section 3. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

Approved June 19, 2006; 14-0

PROPOSAL 2

ADDS TWO COMMISSIONERS AT LARGE, INCLUDING ELECTED CHAIR, TO COUNTY COMMISSION, WITH SALARY LIMITATIONS

Ballot Question:

SHALL SECTIONS 2.2.A. AND 2.2.C. OF THE CLAY COUNTY CHARTER BE AMENDED TO PROVIDE FOR A LEGISLATIVE BODY OF SEVEN RATHER THAN FIVE COUNTY COMMISSIONERS, CONSISTING OF A COUNTY CHAIR AND ONE COMMISSIONER, EACH ELECTED AT LARGE, AND FIVE COMMISSIONERS ELECTED FROM DISTRICTS; TO SPECIFY DUTIES OF THE CHAIR; TO PROVIDE FOR SELECTION OF A VICE-CHAIR; CONTINUATION OF TERM LIMITS; AND TO REDUCE SALARIES OF COMMISSIONERS TO OFFSET THE SALARIES OF TWO ADDITIONAL COMMISSIONERS?

AMENDMENT ____.

Section 1. Section 2.2.A. of the Charter of Clay County is amended to provide as follows:

A(1). The County Commission.

The governing body of the County shall be a Board of County Commissioners composed of seven (7) members serving staggered terms of four (4) years. Five County Commissioners shall reside one in each of five County Commission Districts, the Districts together covering the entire County and as nearly equal in population as practicable, and each District Commissioner shall be nominated and elected only by the qualified electors who reside in the same County Commission District as the Commissioners. Each District Commissioner during the term of office shall reside in the District from which such Commissioner ran for office, provided that any Commissioner who is removed from a District due to redistricting may continue to serve during the balance of the term of office. The Chair of the Commission and one Commissioner shall be nominated and elected at large. No person elected for two consecutive full terms as County Chair or a member of the Board of County Commissioners shall be eligible for election as County Chair or a member of the Board of County Commissioners in the next succeeding term.

A(2). Duties of the County Chair.

The office of the County Chair shall have all jurisdiction and powers which are now and which hereafter may be granted to it by the Constitution and laws of Florida, this Charter, or county ordinance, provided that such powers shall be exercised in a manner consistent with this charter. The County Chair shall have the specific powers and duties to:

Preside as Chair of and in all other respects participate in the meetings of the Board of County Commissioners and have an equal vote on all questions coming before it.

Serve as the official and ceremonial representative of the government.

Issue proclamations on behalf of the government, which shall be reported to the Board of County Commissioners upon issuance.

Execute ordinances, resolutions and other authorized documents of the government.

Serve ex-officio as the county government's representative, and appoint other Commissioners to serve in the county chair's stead, on other bodies external to county government.

Place items on the agenda of meetings of the Board (in addition to those items so placed by the County Manager).

Report annually to the Board and the citizens of the County the activities of county government for the previous year and the status of accomplishment of existing goals and objectives. The report shall set forth new and revised goals and objectives for future action. Subsequently, the Board shall meet to consider adoption of a plan of action for implementation of the goals and objectives.

Appoint committees and committee chairs of the Board of County Commissioners and, with the advice and consent of the Board, appoint the chairs and members of advisory boards and committees internal to the County government.

The Board of County Commissioners shall elect or re-elect at its annual organizational meeting a member to serve at its pleasure for a one-year term as Vice Chair of the Board to preside at meetings of the Board in the temporary absence, disqualification or disability of the County Chair and to perform such other duties as are assigned by the County Chair.

Section 2. Section 2.2.C "Salaries and other compensation" of the Charter of Clay County is amended to provide as follows:

C. *Salaries and other compensation.*

Each member of the Board of County Commissioners other than the County Chair shall receive 70% (seventypercent), and the County Chair shall receive 80% (eightypercent), of the salary which is otherwise be payable from time to time to members of the Board of County Commissioners of a county of like population under the general laws of Florida. This provision shall not affect the benefits, except the calculation of retirement benefits, otherwise payable to or in respect of a Commissioner by general law or county ordinance, or the expenses of a Commissioner otherwise reimbursable by law or ordinance.

Section 3. This amendment shall become effective upon approval by the electors of Clay County at a referendum to be held at the general election of November 2006, subject to the following transitional provisions:

- (a) At the general election in November 2008, the electors of the County shall elect a County Chair at large for a term of four years, and a Commissioner at large for a term of two years. At the general election in November 2010, the electors of the County shall elect or re-elect a Commissioner at large for a term of four years.
- (b) This transition section 3 shall have no effect upon the terms of office of incumbent Commissioners elected from existing districts one through five. The change in the compensation of commissioners shall take effect with the first term to which that commissioner is elected, or any earlier vacancy, following the effective date of this amendment.
- (c) For purposes of the limitation on successive full terms as Chair or other member of the Board of County Commissioners, no term of office beginning before November 2000 shall be considered.
- (d) When all of the provisions for transition have been completed, this Transitional Section 3 of the amendment shall be automatically repealed.

Section 4. If all or any part of this amendment should finally be held invalid by a court, the remainder of this amendment shall continue in full force and effect.

Approved June 19, 2006; 13-2

PROPOSAL 3

**NON-INTERFERENCE BY BOARD OF COUNTY COMMISSIONERS WITH
EMPLOYEES UNDER COUNTY MANAGER, ATTORNEY OR AUDITOR**

Ballot Question:

SHALL THE EXISTING PROVISIONS OF THE CLAY COUNTY CHARTER, RESTRICTING COUNTY COMMISSIONERS FROM DIRECTING OR INTERFERING WITH THE EMPLOYEES OF THE MANAGER AND ATTORNEY, BE AMENDED TO INCLUDE EMPLOYEES OF THE AUDITOR, TO REMOVE CERTAIN EXCEPTIONS, TO PROVIDE THAT SUCH INTERFERENCE IS MALFEASANCE, TO RECOGNIZE THE RIGHT OF COMMISSIONERS TO REPORT CITIZEN CONCERNS OR TO SEEK INFORMATION, AND THE RIGHT OF THE BOARD TO CONDUCT OFFICIAL INVESTIGATIONS OF ANY COUNTY DEPARTMENT OR OFFICE?

AMENDMENT ____.

Section 1. Subsection 2.2.I. of the Clay County Charter is amended to provide as follows:

2.2.I. Non-interference.

County Commissioners shall not give directions to or interfere with any employee, officer or agent under the direct or indirect supervision of the County Manager, the County Attorney or the Commission Auditor. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution. County Commissioners may communicate with employees, officers or agents under the direct or indirect supervision of the County Manager, the County Attorney or the County Auditor for the purpose of inquiry or information. Nothing in this provision shall prevent a County Commissioner from referring a citizen complaint or request to the County Manager, the County Attorney or the Commission Auditor. The Commission may make investigations of County affairs, inquire into the conduct, accounts, records and transactions of any department or office of the County, and for these purposes require reports from all County officers and employees, subpoena witnesses, administer oaths, and require the production of records.

Section 2. If all or any part of this Amendment shall finally be held invalid by a court, the remainder of Section 4.2, as amended, shall remain in full force and effect.

Section 3. This amendment shall become effective on January 1, 2007.

Approved June 19, 2006; 14-0