

EXECUTIVE SUMMARY

CODE OF ETHICS

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?

- The CRC recommends adoption of this proposal for the following reasons:
- The majority of Florida counties and municipalities has adopted or are considering adopting a code of ethics for their elected officials and employees.
- While the State Code of Ethics applies to county officers and employees, it is a minimum standard and can only be enforced through the procedures mandated within State law.
- Clay County Officers and Employees should have a clearly defined ethics standard, by which the public can then measure the conduct of those Officers and Employees.
- The ethics code would apply to ALL county officials and employees, including the County Commissioners, the School Board, the County Attorney and Auditor and the Constitutional Officers.
- The Charter Review recognizes the County has a practice in place where every newly hired employee signs a Code of Ethics which is then placed in the employee personnel file. The adoption of an Ethics Code by ordinance reinforces the focus on appropriate employee behavioral standards and consequences of the violations of such standards.

FIVE SINGLE-MEMBER DISTRICTS ADDING TWO AT-LARGE MEMBERS, ONE BEING AN ELECTED CHAIR

Shall Section 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 Vice Chair; continuation of term limits; and to reduce salaries of Commissioners to offset the salaries of two additional Commissioners?

- The CRC recommends adoption of this proposal for the following reasons:
- Each citizen can vote for three of the seven Commissioners instead of only voting for one of five Commissioners.
- Each citizen will have a specific Commissioner responsible for his or her district while also providing for two Commissioners to help focus on countywide issues.
- Multiple Florida Charter Counties have combined single and at-large Commissions.
- Two at-large Commissioners provides for a natural “regional” approach to County challenges such as traffic flow, environmental matters, development and economic issues.
- Single and at-large districts provide citizens with the benefits of both single-member and at-large systems of representation.
- Term limits continue to apply to ALL County Commissioners. Therefore, a current Commissioner

that has reached term limits CANNOT run for one of the at-large seats including the elected Chair. Whether it is a single-member district or an at-large position, term limits apply.

- An elected County Commission Chairman provides more accountability for County government.
- An elected County Commission Chairman provides for stronger leadership on all County matters, including traffic flow, development, and economic issues.
- Currently the Chair of the County Commission is elected by the other Commissioners and only serves for one year – making the current Chair a merely ceremonial post.
- An elected County Commission Chair allows the citizens to choose the Chair of the Commission and not the other Commissioners.
- An elected County Commission Chair has the bully pulpit but continues to have just one vote on the County Commission.
- This ballot amendment proposal will REDUCE each Commission salary to 70 percent of the salary determined by the salary formula in Chapter 145 of the Florida Statutes. The elected Chair will be paid 80 percent of the current salary. Therefore, the current salary of \$58,000 would be reduced to \$40,600 and the Chair would be paid \$46,400. It should be noted that these salaries would continue to be based on the salary formula in Chapter 145 and so reasonable increases based on population and budget growth would continue. The amendment proposal calls for the compensation change to take place with the first term in which a Commissioner is elected following the effective date of this amendment.
- The proposed reduction in salaries was done, in large part, because of the clear policy-making duties of the Commissioners. It is clear that the Home Rule Charter is most effective with a strong, professional County Manager within the Executive branch. The Charter Review Commission determined the Home Rule Charter government has not been adhered to since its inception in 1991. There has not been a clear separation of the executive and legislative branches along with the necessary checks and balances required within the Charter. For the County's new, strong, professional County Manager to be most effective, the legislative body (the Board of County Commissioners) must stay out of the day-to-day business and focus on policy decisions.
- Consultant Larry Arrington spoke to the Charter Review Commission in agreement with the proposed salary reduction because, in his words, the salary formula in Chapter 145 of the Florida Statutes was derived for Commissioners that also shared executive and legislative duties.
- Therefore, the Charter Review Commission feels that the salary reduction is justified based on reasonable compensation for the duties of the position. Any further reduction of salaries—other than what is being proposed—would be unreasonable.
- Should this proposal be supported on the November 2006 ballot, it is strongly suggested that a workshop be held to review the roles and responsibilities of the BCC and staff, including the elected Chairman, so that it is clearly understood how the new system is meant to work.

MODIFICATION OF EXISTING NON-INTERFERENCE CLAUSE

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 citizens concerns or to seek information, and the right of the Board to conduct official investigations

of any County department or office?

- The CRC recommends adoption of this proposal for the following reasons:
- The language of the revised noninterference clause is stronger than the existing clause in that it clarifies that COUNTY COMMISSIONERS SHALL NOT give directions to or interfere with any employee, officer or agent under the supervision of the County Manager, the County Attorney and the Commission Auditor.
- Commissioners have failed to fully understand or abide by the existing noninterference clause, either out of ignorance or neglect.
- The revised non-interference clause clearly prevents a Commissioner from giving direction to department heads.
- Any violation of the revised noninterference clause is defined to be “malfeasance” within the meaning of the State Constitution – and subjecting a Commissioner who violates the clause to all the consequences of malfeasance.
- The BCC investigatory power is clearly outlined, including powers to conduct investigations of County officers (including all constitutional officers) and county employees.