

RESOLUTION NO. ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ACKNOWLEDGING THE RECEIPT BY THE BOARD OF A REPORT FROM THE 2017-2018 CLAY COUNTY CHARTER REVIEW COMMISSION PURSUANT TO ARTICLE IV, SECTION 4.2.B OF THE CLAY COUNTY HOME RULE CHARTER, PROVIDING PROPOSED CHARTER AMENDMENTS FOR PLACEMENT ON THE 2018 GENERAL ELECTION BALLOT; CALLING A SPECIAL ELECTION TO BE CONDUCTED ON NOVEMBER 6, 2018, CONCURRENT WITH THE GENERAL ELECTION SCHEDULED FOR THAT DATE; DIRECTING THE PLACEMENT OF REFERENDA ON THE BALLOT OF THE SPECIAL ELECTION WHETHER TO AMEND THE CHARTER IN ACCORDANCE WITH THE AMENDMENTS PROPOSED BY THE CHARTER REVIEW COMMISSION; ESTABLISHING THE BALLOT TITLES AND SUMMARIES; APPROVING THE FORM OF THE NOTICE REQUIRED UNDER SECTION 100.342, FLORIDA STATUTES, FOR THE REFERENDA; DIRECTING THE PUBLICATION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, pursuant to the provisions of Section 4.2.B(1) of the Clay County Home Rule Charter (the Charter), the Board of County Commissioners (the Board) of Clay County, Florida (the County), established the 2017-18 Clay County Charter Review Commission (the CRC) and appointed fifteen members to serve thereon; and,

WHEREAS, the CRC approved a Report to the Clay County Board of County Commissioners from the 2017-2018 Clay County Charter Review Commission on June 13, 2018 (the CRC Report), a copy of which is attached hereto as Exhibit A, providing for proposed Charter amendments for placement on the 2018 General Election ballot; and,

WHEREAS, the Board received the CRC Report at its June 26, 2018, meeting and caused the same to be spread upon the minutes thereof; and,

WHEREAS, the Board desires to call a special election to be conducted on November 6, 2018, concurrent with the General Election scheduled on that date, and to provide for the authorization and direction to cause referenda to be placed on the ballot for such special election whether the proposed amendments set forth in the CRC Report shall be approved by the electors of the County (the Charter Referenda); and,

WHEREAS, the Board desires to provide for the establishment of the ballot titles and summaries for each of the Charter Referenda; and,

WHEREAS, the Board desires to direct the publication of the notice of the Charter Referenda as required under Section 100.342, Florida Statutes, and, further, to provide for the form of the notice.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, as follows:

Section 1. Findings. The Board adopts the foregoing Recitals as its findings and declares that its findings provide the justification for the adoption by the Board of this resolution.

Section 2. Special Election. Pursuant to the authority provided in Section 125.01(1)(y), Florida Statutes, and the requirements of Art. VIII, s. (1)(c), *Fla. Const.*, and of Section 4.2.B(5) of the Charter, the Board hereby calls a special election to be conducted throughout the County on November 6, 2018 (the Special Election), concurrent with the General Election scheduled on that date.

Section 3. Referenda. Pursuant to the requirements of Section 4.2.B(5) of the Charter, the Board hereby authorizes and directs that the Charter Referenda be placed on the ballot for the Special Election.

Section 4. First Referendum. The ballot title and summary for the first of the Charter Referenda shall read as follows:

**CHARTER AMENDMENT REVISING
COMMISSIONER TERM LIMIT PROVISIONS**

SHALL THE CLAY COUNTY CHARTER BE AMENDED TO CHANGE THE TERM LIMITS APPLICABLE TO COUNTY COMMISSIONERS FROM TWO CONSECUTIVE FOUR-YEAR TERMS TO THREE CONSECUTIVE FOUR-YEAR TERMS, WHILE IMPOSING A LIFETIME TERM LIMIT OF THREE FOUR-YEAR TERMS FOR COUNTY COMMISSIONERS?

_____ YES

_____ NO

Section 5. Second Referendum. The ballot title and summary for the second of the Charter Referenda shall read as follows:

**CHARTER AMENDMENT REVISING
COMMISSIONER SALARY PROVISIONS**

SHALL THE CLAY COUNTY CHARTER BE AMENDED TO REMOVE THE CHARTER-SPECIFIED COUNTY COMMISSIONER SALARY OF \$37,000, REMOVE THE REQUIREMENT THAT COMMISSIONER SALARY CHANGES MUST BE APPROVED BY A MAJORITY OF ELECTORS IN A GENERAL ELECTION, AND PROVIDE THAT COMMISSIONER SALARIES WILL BE INCREMENTALLY ADJUSTED TO EQUAL ONLY 70% OF THE SALARIES SET BY GENERAL LAW FOR COUNTY COMMISSIONERS IN NON-CHARTER

**COUNTIES, PHASED IN IN ROUGHLY EQUAL
INCREMENTS OVER FOUR BUDGET YEARS?**

_____ YES

_____ NO

Section 6. Referenda Notice. Pursuant to the requirements of Section 100.342, Florida Statutes, the Board hereby directs that notice of the Charter Referenda shall be published in the Clay Today on Thursday, October 4, 2018, and on Thursday, October 18, 2018, in the form attached hereto as Exhibit B.

Section 7. Effective Date. This Resolution shall become effective immediately upon its adoption.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida, this 10th day of July, 2018.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Gavin Rollins
Its Chairman

ATTEST:

S.C. Kopelousos
County Manager and Clerk of the
Board of County Commissioners

Exhibit A
[CRC Report]



CLAY COUNTY FLORIDA

2017-18 Charter Review Commission

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Charter Review Commission Members:

Amy Pope-Wells
Madam Chair

Charles Taylor, Jr.
Vice Chairman

Tamara Bradt
Tom Branham
Ronnie Coleman
Art Hooker
Eric Jaffe
Larry Kirkman
Kim Knapp
Amy Miller
Paul Sarto
Glo Smith
Ronald Stotler
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REPORT TO THE CLAY COUNTY BOARD OF COUNTY COMMISSIONERS FROM THE 2017-2018 CLAY COUNTY CHARTER REVIEW COMMISSION

I. Introduction

In accordance with the provisions of Section 4.2.B, of the Clay County Home Rule Charter ("Charter"), the duly appointed and constituted Charter Review Commission ("CRC") for the County convened, commencing in October 2017, for the purpose of reviewing the Charter and considering the need to propose amendments or revisions to the Charter to be placed on the ballot for approval or rejection by the voters of Clay County at the 2018 general election. At its initial, organizational meeting held on October 26, 2017, the CRC elected Amy Pope-Wells as its Chair and Charles Taylor as its Vice-Chair. Following the organizational meeting, the CRC held meetings on November 6, 20, and 30, and December 7 (sub-committee meeting) in 2017; and on January 4 and 29, February 22, March 29, and April 4 and 26 in 2018. Thereafter, on May 9, May 24, and June 13, 2018, the CRC held three public hearings on the two proposed charter amendments contained herein, as required by Section 4.2.B(4) of the Charter. Thus, the CRC held a total of 14 meetings and hearings, concluding its duties at the third public hearing held on June 13, 2018, where a majority of the entire membership of the CRC favorably voted upon the two proposed charter amendments contained herein. The CRC initially received legal guidance from County Attorney Courtney Grimm, and then at its November 30, 2017 meeting, agreed to engage and subsequently engaged Wade Vose of Vose Law Firm LLP to serve as General Counsel for the CRC.

Over the course of its deliberations, the members of the CRC developed a list of issues it deemed worthy of its discussion and study for possible proposal as ballot measures for consideration by the County's voters. As part of its study and deliberation, the CRC obtained written information and data, some contributed by members of the CRC and some obtained as a result of information requests submitted by or on behalf of members of the CRC to various County Departments and the County's Constitutional Officers. All such requests for information were handled expeditiously and professionally by the officials receiving the requests and for that cooperation, the CRC is grateful. In addition, the CRC heard testimony from elected officials, including members of the Board of County Commissioners and the County's Constitutional Officers. The CRC also received testimony from persons with expertise on particular issues considered by the CRC as well as from interested citizens of our County. Again, the CRC is grateful for all of the input it received, from both elected officials and citizens on the issues debated by the CRC.

II. Issues Considered and Debated by the CRC

Throughout its initial meetings, and as supplemented thereafter as additional issues were raised, the CRC developed a list of possible issues for consideration as part of its review of the Charter. These issues were as follows:

1. Changes to the frequency for CRC review of the Charter.
2. Revisions related to County Commissioner salaries.
3. Changes to the current term limits for County Commissioners.
4. Term limits for County Constitutional Officers.
5. Non-partisan elections for County Constitutional Officers.
6. Revisions to the appointment process and terms of eligibility for Charter Review Commissioners.
7. Election of County Commissioners on an at-large basis rather than by single-member districts.
8. Revisions relating to termination of County Department Heads.
9. Alternative methods to fill vacancies in elected County offices.
10. Revisions to the County's form of government to provide for an elected County Manager/County Executive.
11. Revisions to the citizen initiative petition process.
12. Medical Marijuana regulation.
13. Revisions related to infrastructure and growth.
14. Revisions related to the County's sign ordinance.

As to Items 2 and 3, after deliberation, discussion, and public hearings, a majority of the entire membership of the CRC voted to place two proposed charter amendments on the 2018 General Election ballot, as discussed below. As to Item 6, a majority of the CRC members voted to make a written recommendation to the Board of County Commissioners, as discussed below, rather than placing a proposed charter amendment on the ballot. As Items 5, 8, 9, 11, and 12, after receiving legal advice from the CRC General Counsel and/or input from County staff concerning such matters, the CRC affirmatively voted to have no further consideration of such matters. With regard to the balance of the items on the list, the CRC members received information and testimony on the issues, engaged in spirited debate, but ultimately a majority of CRC members did not support motions to propose charter amendments to be placed on the 2018 General Election ballot with regard to such issues.

III. Proposed Charter Amendments for Placement on the 2018 General Election Ballot

After substantial discussion and public comment, and after holding the three public hearings required by the Clay County Home Rule Charter, a majority of the entire membership of the 2017-2018 Clay County Charter Review Commission voted to place the following two proposed charter amendments on the 2018 General Election Ballot for approval by the electors of the County:

QUESTION #1

Ballot Proposal: The ballot title and ballot summary for Question #1 are as follows:

**CHARTER AMENDMENT REVISING
COMMISSIONER TERM LIMIT PROVISIONS**

Shall the Clay County Charter be amended to change the term limits applicable to county commissioners from two consecutive four-year terms to three consecutive four-year terms, while imposing a lifetime term limit of three four-year terms for county commissioners?

☐ Yes
☐ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 2.2.A. of the Clay County Home Rule Charter are amended to read as follows:

A. The County Commission. The governing body of the County shall be a Board of County Commissioners composed of five (5) members serving staggered terms of four years. There shall be pursuant to general law one County Commissioner for each of the five County Commission Election Districts and each County Commissioner shall be elected only by vote of electors in the County Commissioner's own District. Each County 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. No person elected for three ~~two~~ consecutive full terms as a member of the Board of County Commissioners shall be eligible for election as a member of the Board of County Commissioners in the next succeeding term. Only Board of County Commission terms commencing on or after the second Tuesday following the November, 2000 general election shall be considered terms for purposes of determining consecutive terms under this section. No person elected to three full terms as a member of the Board of County Commissioners shall be eligible for election as a member of the Board of County Commissioners in any succeeding term. Only Board of County Commission terms commencing on or after the second Tuesday following the November, 2018 general election shall be considered terms for purposes of determining terms under the lifetime limit of this section. ~~This amendment shall be effective immediately upon approval by the electors of Clay County at a referendum to be held at the general election of November, 2008.~~

QUESTION #2

Ballot Proposal: The ballot title and ballot summary for Question #2 are as follows:

**CHARTER AMENDMENT REVISING
COMMISSIONER SALARY PROVISIONS**

Shall the Clay County Charter be amended to remove the charter-specified county commissioner salary of \$37,000, remove the requirement that county commissioner salary changes must be approved by a majority of electors in a general election, and provide that county commissioner salaries will be incrementally adjusted to equal only 70% of the salaries set by general law for county commissioners in non-charter counties, phased in in roughly equal increments over four budget years?

☐ Yes
☐ No

Text Revisions: Upon approval of this question at referendum, the foregoing portions of Section 2.2.C. of the Clay County Home Rule Charter are amended to read as follows:

C. Salaries and Other Compensation. Salaries of the county commissioners shall be set at \$37,000 per year through September 30, 2019. In county budget year 2019-2020, salaries of the county commissioners shall be set at 55 percent of the salaries set by general law for the county commissioners of non-charter counties. In county budget year 2020-2021, salaries of the county commissioners shall be set at 60 percent of the salaries set by general law for the county commissioners of non-charter counties. In county budget year 2021-2022, salaries of the county commissioners shall be set at 65 percent of the salaries set by general law for the county commissioners of non-charter counties. Beginning in county budget year 2022-2023 and continuing in each county budget year thereafter, salaries of the county commissioners shall be set at 70 percent of the salaries set by general law for the county commissioners of non-charter counties. ~~Any salary changes shall be approved by a majority of electors in a general election.~~ Other compensation, benefits, or reimbursable expenses shall be set the same as those set by general law for the county commissioners of non-charter counties or by county ordinance.

IV. Recommendations from the CRC to the Board of County Commissioners

In addition to the two proposed charter amendments, the CRC approved submission of the following recommendations to the Board of County Commissioners:

Recommendations on Appointment of Charter Review Commissioners

As part of its deliberations, the Clay County Charter Review Commission ("CRC") discussed and considered the issue of fair and equal representation of all parts of the County in the appointment by the Board of County Commissioners ("BCC") of Charter Review Commissioners. The Charter provides at Article IV, Section 4.2.B. that 15 members and 5 alternates will be appointed by the BCC to the Charter Review Commission, and that these Charter Review Commissioners will be appointed at least 12 months in advance of the general election. After extensive discussion regarding the need for amendatory language to ensure that all parts of the County are fairly and equally represented in the CRC appointments, the CRC declined to propose charter amendments, but rather decided to make recommendations to the BCC regarding achieving the goal of fair and equal representation in the makeup of the CRC in future appointments to this body.

The CRC recommends that the BCC consider adoption, for itself, of rules or policies regarding appointment of CRC Commissioners that will insure:

- That, if reasonably possible, all 5 Commission Districts are equally represented in the appointment of the 15 members of the CRC and the 5 alternates.
- That in soliciting candidates and making appointments the BCC will strive to include all demographics and segments of Clay County's population.
- That CRC candidates be asked to disclose in writing any of their family or employment relationships with Clay County officials or employees, and with the officials or employees of County Constitutional Officers, but that such CRC candidates not be automatically disqualified as a result of such relationships.
- That at its initial meeting, the CRC members will receive training concerning not only the Sunshine Law and Public Records Act, but also the voting conflict provisions of Ch. 112, Fla. Stat.

V. Recommendations to the 2021-2022 Charter Review Commission

The CRC did not contract with an independent attorney to provide it with legal advice and counsel until a substantial amount of the CRC's activity was already underway. Wade Vose with Vose Law Firm LLP in Winter Park was first interviewed by the CRC on November 30, 2017, at which time the CRC approved engaging Mr. Vose. Although the CRC was ably and professionally counseled on legal matters by County Attorney Courtney Grimm prior to obtaining independent legal counsel, the CRC continues to believe advice and assistance from qualified legal counsel independent of the County is important to the integrity of the Charter review function. Mr. Vose provided excellent counsel to the CRC and the expense associated with obtaining independent counsel to advise the CRC was reasonable and appropriate. The CRC

recommends that the next CRC engage independent counsel as early in its processes as is possible.

Teresa Capo, a County employee, served as Administrative Assistant for the CRC. Teresa did an outstanding job in this capacity. She was at all times responsive to requests of the Chairman and individual CRC members and did an excellent job in coordinating requests for information from County officials needed by the CRC in its deliberations. The CRC and the citizens of Clay County are indebted to Teresa for her dedication and professionalism.

VI. Conclusion

From its first meeting, the CRC took its job seriously and undertook the task of Charter review with energy and enthusiasm. As members of the CRC noted at the outset of this process, the measure of the success of the 2017-2018 CRC would not be related to the number of charter amendment proposals approved for placement on the 2018 general election ballot. Rather, the success of any CRC should be measured by the thoroughness with which the Charter review task is conducted and the openness of the CRC to exploring the need and desirability of proposals for charter amendment. Measured on this scale, the CRC was open to proposals for change, did a thorough job of reviewing the Charter and all proposals brought forward for change, thereby fulfilling its responsibilities under the Charter. The 2017-2018 CRC is proud to have been entrusted with this task by the BCC and the citizens of Clay County. Being directly involved in this task for the past several months has affirmed, for the 2017-2018 CRC members, the value of a regularly scheduled citizen review of the County's most basic governing document – the County Charter.

Exhibit B
[Referenda Notice]

To be advertised: THURSDAY, October 4, 2018, and THURSDAY, October 18, 2018

In *The Clay Today*:

**NOTICE OF REFERENDA ON PROPOSED AMENDMENTS
TO THE CLAY COUNTY HOME RULE CHARTER**

Pursuant to the requirements of Section 100.342, Florida Statutes, the Board of County Commissioners of Clay County, Florida (the County), hereby gives notice of its placement of two referenda (the Charter Referenda) on the ballot for the special election called by the Board to be conducted throughout the County on November 6, 2018 (the Special Election), concurrent with the General Election scheduled on that date, on questions to be decided by the electors of the County whether to amend the Clay County Home Rule Charter as provided in each referendum.

The title and summary for the first of the Charter Referenda to appear on the ballot shall read as follows:

CHARTER AMENDMENT REVISING COMMISSIONER TERM LIMIT PROVISIONS

SHALL THE CLAY COUNTY CHARTER BE AMENDED TO CHANGE THE TERM LIMITS APPLICABLE TO COUNTY COMMISSIONERS FROM TWO CONSECUTIVE FOUR-YEAR TERMS TO THREE CONSECUTIVE FOUR-YEAR TERMS, WHILE IMPOSING A LIFETIME TERM LIMIT OF THREE FOUR-YEAR TERMS FOR COUNTY COMMISSIONERS?

_____ YES

_____ NO

The title and summary for the second of the Charter Referenda to appear on the ballot shall read as follows:

CHARTER AMENDMENT REVISING COMMISSIONER SALARY PROVISIONS

SHALL THE CLAY COUNTY CHARTER BE AMENDED TO REMOVE THE CHARTER-SPECIFIED COUNTY COMMISSIONER SALARY OF \$37,000, REMOVE THE REQUIREMENT THAT COMMISSIONER SALARY CHANGES MUST BE APPROVED BY A MAJORITY OF ELECTORS IN A GENERAL ELECTION, AND PROVIDE THAT COMMISSIONER SALARIES WILL BE INCREMENTALLY ADJUSTED TO EQUAL ONLY 70% OF THE SALARIES SET BY GENERAL LAW FOR COUNTY COMMISSIONERS IN NON-CHARTER COUNTIES, PHASED IN IN ROUGHLY EQUAL INCREMENTS OVER FOUR BUDGET YEARS?

_____ YES

_____ NO

Board of County Commissioners
Clay County, Florida

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