

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ADOPTED PURSUANT TO ITS AUTHORITY UNDER SECTION 4.2:C OF THE CLAY COUNTY HOME RULE CHARTER, PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 3.1 OF THE CHARTER THAT, IF APPROVED BY REFERENDUM, WOULD ADD TERM LIMITS APPLICABLE TO THE TERMS OF THE CONSTITUTIONAL OFFICES FOR TERMS COMMENCING ON OR AFTER THE SECOND TUESDAY FOLLOWING THE NOVEMBER 2018, GENERAL ELECTION; CALLING A SPECIAL ELECTION TO BE CONDUCTED ON NOVEMBER 6, 2018, CONCURRENT WITH THE GENERAL ELECTION SCHEDULED ON THAT DATE; DIRECTING THE PLACEMENT OF A REFERENDUM ON THE BALLOT OF THE SPECIAL ELECTION WHETHER TO AMEND THE CHARTER AS PROPOSED BY THE BOARD; ESTABLISHING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; APPROVING THE FORM OF THE NOTICE REQUIRED UNDER SECTION 100.342, FLORIDA STATUTES, FOR THE REFERENDUM; DIRECTING THE PUBLICATION THEREOF; AND PROVIDING AN EFFECTIVE DATE.

Recitals

WHEREAS, Section 4.2:C(1) of the Clay County Home Rule Charter (the Charter), provides in part:

Amendments to this Home Rule Charter may be proposed by ordinance enacted by the Board of County Commissioners by an affirmative vote of a majority of the membership of the Board of County Commissioners. Each proposed amendment shall only become effective upon approval by a majority of the electors of Clay County voting in a referendum at the next general election or special election, if called by the Board of County Commissioners.

and,

WHEREAS, the Board desires to submit to the County's electors a referendum pursuant to its authority under Section 4.2:C of the Charter as to whether the Charter should be amended to add term limits applicable to the terms of the Constitutional Offices of three consecutive four-year terms, for terms commencing on or after the second Tuesday following the November 2018 general election (the Proposed Amendment); and,

WHEREAS, by the adoption of this ordinance, the Board invokes its authority under Section 4.2:C of the Charter to propose the amendment to the Charter; and,

WHEREAS, pursuant to the provisions of Section 4.2:C(1) of the Charter, by the adoption of this ordinance 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 a referendum (the Charter Referendum) to be placed

on the ballot for such special election whether the Proposed Amendment shall be approved by the electors of the County; and,

WHEREAS, the Board desires to provide for the establishment of the ballot title and summary for the Charter Referendum; and,

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

Be It Ordained by the Board of County Commissioners of Clay County:

Section 1. 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 ordinance.

Section 2. Pursuant to the authority provided in Section 4.2:C(1) of the Charter, the Board hereby proposes an amendment to the Charter which shall read as set forth in Appendix A attached hereto.

Section 3. Pursuant to the authority provided in Section 125.01(1)(y), Florida Statutes, and the provisions and requirements of Art. VIII, s. (1)(c), *Fla. Const.*, and of Section 4.2:C(1) 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 4. Pursuant to the requirements of Section 4.2:C(1) of the Charter, the Board hereby authorizes and directs that the Charter Referendum be placed on the ballot for the Special Election.

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

**CHARTER AMENDMENT ADDING CONSTITUTIONAL
OFFICES TERM LIMIT PROVISION**

**SHALL THE CLAY COUNTY CHARTER BE AMENDED TO
ADD TERM LIMITS APPLICABLE TO THE TERMS OF
THE CONSTITUTIONAL OFFICES OF THREE
CONSECUTIVE FOUR-YEAR TERMS, FOR TERMS
COMMENCING ON OR AFTER THE SECOND TUESDAY
FOLLOWING THE NOVEMBER 2018 GENERAL
ELECTION?**

_____ YES

_____ NO

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

Section 7. This ordinance 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

Appendix A
[Proposed Charter Amendment]

Effective November 7, 2018, Section 3.1 of Article III of the Clay County Home Rule Charter shall be amended to read in its entirety as follows:

Section 3.1: Elected County Constitutional Offices.

The offices of Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections shall remain as elected constitutional offices serving terms of four years. No person elected for three consecutive full terms in the same constitutional office shall be eligible for election in that same constitutional office in the next succeeding term. Only terms for constitutional offices commencing on or after the second Tuesday following the November 6, 2018 general election shall be considered terms for purposes of determining consecutive terms under this section. Otherwise, the powers, duties and functions of the constitutional offices shall not be altered by this Home Rule Charter, except that the powers, duties and functions of the Clerk of the Circuit Court shall be limited to those of clerk of the circuit court and recorder as described in Article VIII, §1(d), Constitution of the State of Florida. The constitutional officers shall perform their executive and administrative functions as specified by law, except that the Clerk of the Circuit Court shall perform only the executive and administrative functions as specified by law with respect to those powers, duties and functions of the Clerk of the Circuit Court described in Article VIII, §1(d), Constitution of the State of Florida, as clerk of the circuit court and recorder.

Appendix B
[Form of Published Notice]

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

In *The Clay Today*:

**NOTICE OF REFERENDUM ON PROPOSED AMENDMENT
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 a referendum (the Charter Referendum) on the ballot for the special election called by the Board to be conducted throughout the County on November 6, 2018, concurrent with the General Election scheduled on that date, on the question to be decided by the electors of the County whether to amend the Clay County Home Rule Charter as provided in the Charter Referendum.

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

**CHARTER AMENDMENT ADDING CONSTITUTIONAL OFFICES TERM LIMIT
PROVISION**

**SHALL THE CLAY COUNTY CHARTER BE AMENDED TO ADD TERM LIMITS
APPLICABLE TO THE TERMS OF THE CONSTITUTIONAL OFFICES OF THREE
CONSECUTIVE FOUR-YEAR TERMS, FOR TERMS COMMENCING ON OR AFTER
THE SECOND TUESDAY FOLLOWING THE NOVEMBER 2018 GENERAL
ELECTION?**

_____ YES

_____ NO

Board of County Commissioners
Clay County, Florida

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Special Instructions to Publisher:

Please submit galley proof to the County Attorney's Office for approval prior to publication.

Send Invoice and Proof of Publication to:

County Attorney's Office
Post Office Box 1366
Green Cove Springs, Florida 32043

Send duplicate Proof of Publication to:

Honorable Chris H. Chambliss
Supervisor of Elections
Post Office Box 337
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