

**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 2021-2022 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 2022 GENERAL ELECTION BALLOT; CALLING A SPECIAL ELECTION TO BE CONDUCTED ON NOVEMBER 8, 2022, 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 2021-2022 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 2021-2022 Clay County Charter Review Commission on May 31, 2022 (the CRC Report), a copy of which is attached hereto as Exhibit A, providing for proposed Charter amendments for placement on the 2022 General Election ballot; and,

**WHEREAS**, the Board received the CRC Report at its June 14, 2022, 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 8, 2022, 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 8, 2022 (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 FOR COST OF LIVING INCREASE TO  
SALARIES OF CLAY COUNTY COMMISSIONERS**

**SHALL THE CLAY COUNTY CHARTER ARTICLE II,  
SECTION 2.2.C., BE AMENDED TO INCLUDE AN  
ANNUAL COST OF LIVING INCREASE TO THE  
CURRENT \$37,000 PER YEAR SALARIES OF CLAY  
COUNTY COMMISSIONERS, BASED UPON THE  
FEDERAL CONSUMER PRICE INDEX FOR URBAN  
WAGE EARNERS AND CLERICAL WORKERS,  
EFFECTIVE SEPTEMBER 30, 2023 AND THEREAFTER  
ADJUSTING ANNUALLY FOR INFLATION?**

\_\_\_\_ YES

\_\_\_\_ NO

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

**CHARTER AMENDMENT REMOVING TERM  
LIMIT PROVISION FOR CONSTITUTIONAL OFFICES**

**SHALL THE CLAY COUNTY CHARTER ARTICLE III,  
SECTION 3.1, BE AMENDED TO REMOVE EXISTING  
TERM LIMITS OF THREE CONSECUTIVE FOUR-YEAR  
TERMS, FOR THE CONSTITUTIONAL OFFICES OF  
COUNTY SHERIFF, PROPERTY APPRAISER, TAX  
COLLECTOR, CLERK OF THE CIRCUIT COURT AND  
SUPERVISOR OF ELECTIONS, FOLLOWING THE  
NOVEMBER 2022 GENERAL ELECTION?**

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Section 6. Third Referendum.** The ballot title and summary for the third of the Charter Referenda shall read as follows:

**CHARTER AMENDMENT REVISING  
APPOINTMENT OF CHARTER REVIEW COMMISSION**

**SHALL THE CLAY COUNTY CHARTER ARTICLE IV,  
SECTION 4.2B, BE AMENDED TO CHANGE THE  
APPOINTMENT OF THE CHARTER REVIEW  
COMMISSION FROM EVERY FOUR YEARS TO EVERY  
EIGHT YEARS FOLLOWING THE NOVEMBER 2022  
GENERAL ELECTION?**

\_\_\_\_\_ YES

\_\_\_\_\_ NO

**Section 7. 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 6, 2022, and on Thursday, October 20, 2022, in the form attached hereto as Exhibit B.

**Section 8. Effective Date.** This Resolution shall become effective immediately upon its adoption.

**DULY ADOPTED** by the Board of County Commissioners of Clay County, Florida, this 14<sup>th</sup> day of June, 2022.

BOARD OF COUNTY COMMISSIONERS  
CLAY COUNTY, FLORIDA

By: \_\_\_\_\_  
Wayne Bolla, Its Chairman

ATTEST:

\_\_\_\_\_  
Tara S. Green  
Clay County Clerk of Court and Comptroller  
Ex Officio Clerk to the Board

Exhibit A  
[CRC Report]



## **CLAY COUNTY FLORIDA**

### **2021-22 Charter Review Commission**

Post Office Box 1366  
Green Cove Springs, FL  
32043-1366

Phone (904) 269-6352  
Fax (904) 278-4731

#### **Charter Review Commission Members:**

Christine Backscheider  
Robert Dews  
DeAnn Dockery  
Randy Gillis  
Charles Hodges  
James Jett  
Suzi Ludwig  
Yul McNair  
Howard "Bo" Norton  
Chris Russell  
Connie Schoenung  
Scotty Taylor  
Deborah Terry  
David Theus  
Mitch Timberlake

CRCMembers@claycountygov.com

#### **Switchboard**

GCS (904) 284-6300  
KH (352) 473-3711  
KL (904) 533-2111  
OP/MBG (904) 269-6300

[www.claycountygov.com](http://www.claycountygov.com)

## **REPORT TO THE CLAY COUNTY BOARD OF COUNTY COMMISSIONERS FROM THE 2021--2022 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 2021, 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 2022 general election. At its initial, organizational meeting held on October 7, 2021, the CRC elected Howard "Bo" Norton as its Chair and Suzi Ludwig as its Vice-Chair. Following the organizational meeting, the CRC held meetings on October 28th and December 2nd in 2021. Then in 2022 held meetings on January 6th, February 3rd and 15th, and March 2nd, 15th and 29th in 2022. Thereafter, on May 4, May 16, and May 31, 2022, the CRC held three public hearings on the three (3) proposed charter amendments contained herein, as required by Section 4.2.B(4) of the Charter. Thus, the CRC held a total of 12 meetings and hearings, concluding its duties at the third public hearing held on May 31, 2022, where a majority of the entire membership of the CRC favorably voted upon the three proposed charter amendments contained herein. The CRC initially received legal guidance from County Attorney Courtney Grimm, and then at its December 2, 2021 meeting, agreed to engage and subsequently engaged Glenn A. Taylor, of the Law Firm of Glenn A. Taylor, P.A. 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 deliberations, the CRC obtained written information and data, some contributed by members of the CRC, some by attorney Mark Scruby (former County Attorney), 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. Revisions to County Commissioner Salaries.
2. Provision for County Commissioner Cost of Living Adjustment.
3. Changes/Removal of Term Limit Provision for Constitutional Officers.
4. Changes to the frequency for CRC review of the Charter.
5. Should BCC Board remain at five members.
6. Composition of County Commissioners at an at-large basis relative to single member districts.
7. BCC -Commissioner residency requirements.
8. BCC – Composition; Term limits; Minimum qualification.
9. Should changes be made to the Comptroller duties.
10. Constitutional Officers – Additional minimum qualifications or age requirements, if any.
11. Community Activist Committees.
12. Applicability of a Citizens Bill of Rights.
13. Public Safety Coordination.
14. Applicability of Impact fees and new Mobility fees.

As to Items 2, 3 and 4, after deliberation, discussion, and public hearings, a majority of the entire membership of the CRC voted to place three proposed charter amendments on the 2022 General Election ballot, as discussed below. As for Items 1, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, 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. 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 2022 General Election ballot with regard to such issues.

## **III. Proposed Charter Amendments for Placement on the 2022 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 2021-2022 Clay County Charter Review Commission voted to place the following three proposed charter amendments on the 2022 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 For Cost of Living Increase to  
Salaries of Clay County Commissioners**

Shall the Clay County Charter Article II, Section 2.2.C, be amended to include an annual cost of living increase to the current \$37,000 per year salaries of Clay County Commissioners, based upon the Federal consumer price index for urban wage earners and clerical workers, effective September 30, 2023 and thereafter adjusting annually for inflation.

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**Text Revisions:** Upon approval of this question at referendum, the foregoing portions 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, 2023. Beginning in county budget year 2023-2024 and on each following September 30<sup>th</sup>, the then current commissioner salary shall be increased by the rate of inflation during the twelve months prior to each September 1<sup>st</sup> using the Federal consumer price index for urban wage earners and clerical workers, CPI-W, or a successor index as calculated by the United States Department of Labor. Each adjusted commissioner salary calculated shall be published and take effect on the following October 1<sup>st</sup>. Any other 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.



**QUESTION #2**

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

**Charter Amendment Removing Term  
Limit Provision for Constitutional Offices**

Shall the Clay County Charter Article III, Section 3.1 be amended to remove existing term limits of three consecutive four-year terms, for the constitutional offices of the County Sheriff, Property Appraiser, Tax Collector, Clerk of the Circuit Court and Supervisor of Elections, following the November 2022 General Election?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

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

**Section 3.1: Elected County Constitutional Offices.**

The County 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. and~~ 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.

**QUESTION #3**

**Ballot Proposal:** The ballot title and ballot summary for Question #3 are as follows:

**Charter Amendment Revising  
Appointment of Charter Review Commission**

Shall the Clay County Charter Article IV, Section 4.2B, be amended to change the appointment of the Charter Review Commission from every four years to every eight years following the November 2022 General Election?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

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

**Section 4.2: Home Rule Charter Amendments.**

**B. Amendments and revisions by Charter Review Commission.**

(1) A Charter Review Commission consisting of 15 electors as members and 5 additional electors as alternate members of the Charter Review Commission shall be appointed by the Board of County Commissioners at least 12 months before the general election occurring in 1994 and at least 12 months before the general election of every ~~four~~ eight (8) years thereafter. To the extent reasonably possible, the Board of County Commissioners shall appoint the alternates such that an equal number of them reside within each District of the County. The Charter Review Commission shall review the Home Rule Charter and propose any amendments or revisions which may be advisable for placement on the general election ballot. No member of the State Legislature or Board of County Commissioners shall be a member of the Charter Review Commission. If there is a vacancy in the office of a Charter Review Commission member, then the alternate residing in the same

District in which the former member resided, will automatically accede to the seat that was vacated, if such an alternate member is available. If there is not an alternate available who resides in the same District of the County as did the person who vacated the seat, then the alternate who resides in the next seat in numerical sequence will accede to the open position. Thus, for example, if a member who resides in District 1 vacates his or her seat and an alternate residing in District 1 is unavailable, then the alternate residing in District 2 will automatically accede to the open seat. If there is also no alternate residing in District 2, then the alternate residing in District 3 will accede to the open seat, and so on. Additionally, and by way of example, if a member of the Commission residing in District 5 vacates his or her seat, and there is no available alternate residing in District 5, then the alternate residing in District 1, if available, will automatically accede to the open seat, and so on. If there are no available alternates, then the Board of County Commissioners upon request by the Charter Review Commission shall appoint such number of alternates as may be requested by the Charter Review Commission, not to exceed 5 alternates, within thirty (30) days of the request.

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

In addition to the three proposed charter amendments, the CRC approved submission of the following recommendation(s) to the Board of County Commissioners:

The BCC ask staff to assist future CRC by creating a turnover package for future Commissions. This would include the CRC members receive training concerning the Sunshine Law, Public Records Act and the voting conflict provisions of Ch. 112, Fla. Stat. In addition, a review presentation of the Clay County Charter history is recommended before the third meeting.

#### **V. Recommendations of the 2021-2022 Charter Review Commission**

The CRC sought out an independent attorney to provide it with legal advice and counsel. Glenn A. Taylor of the Law Firm Glenn A. Taylor, P.A. in Orange Park was first interviewed by the CRC on December 2, 2021 and thereafter engaged. 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. Taylor 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 continue to 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 2021-2022 CRC would not be related to the number of charter amendment proposals approved for placement on the 2022 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 2021-2022 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 2021-2022 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 6, 2022, and THURSDAY, October 20, 2022

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 three referenda (the Charter Referenda) on the ballot for the special election called by the Board to be conducted throughout the County on November 8, 2022 (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 FOR COST OF LIVING INCREASE TO SALARIES OF  
CLAY COUNTY COMMISSIONERS**

SHALL THE CLAY COUNTY CHARTER ARTICLE II, SECTION 2.2.C., BE AMENDED TO INCLUDE AN ANNUAL COST OF LIVING INCREASE TO THE CURRENT \$37,000 PER YEAR SALARIES OF CLAY COUNTY COMMISSIONERS, BASED UPON THE FEDERAL CONSUMER PRICE INDEX FOR URBAN WAGE EARNERS AND CLERICAL WORKERS, EFFECTIVE SEPTEMBER 30, 2023 AND THEREAFTER ADJUSTING ANNUALLY FOR INFLATION?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

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

**CHARTER AMENDMENT REMOVING TERM  
LIMIT PROVISION FOR CONSTITUTIONAL OFFICES**

SHALL THE CLAY COUNTY CHARTER ARTICLE III, SECTION 3.1, BE AMENDED TO REMOVE EXISTING TERM LIMITS OF THREE CONSECUTIVE FOUR-YEAR TERMS, FOR THE CONSTITUTIONAL OFFICES OF COUNTY SHERIFF, PROPERTY APPRAISER, TAX COLLECTOR, CLERK OF THE CIRCUIT COURT AND SUPERVISOR OF ELECTIONS, FOLLOWING THE NOVEMBER 2022 GENERAL ELECTION?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

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

CHARTER AMENDMENT REVISING  
APPOINTMENT OF CHARTER REVIEW COMMISSION

SHALL THE CLAY COUNTY CHARTER ARTICLE IV, SECTION 4.2B, BE AMENDED TO CHANGE THE APPOINTMENT OF THE CHARTER REVIEW COMMISSION FROM EVERY FOUR YEARS TO EVERY EIGHT YEARS FOLLOWING THE NOVEMBER 2022 GENERAL ELECTION?

\_\_\_\_\_ YES

\_\_\_\_\_ NO

Board of County Commissioners  
Clay County, Florida

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Special Instructions to Publisher:

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